



Transport (Scotland) Act 2019

2019 asp 17

PART 3

BUS SERVICES

Bus services improvement partnerships

35 Bus services improvement partnerships

- (1) The Transport (Scotland) Act 2001 is amended as follows.
- (2) For sections 3 to 12 (including the italic heading immediately preceding section 3), substitute—

“CHAPTER 1

BUS SERVICES IMPROVEMENT PARTNERSHIPS

Partnership plans and schemes

3A Bus services improvement partnership plans

- (1) A local transport authority may, if they consider it appropriate to do so, make a bus services improvement partnership plan (a “partnership plan”) in relation to the whole or part of their area.
- (2) A partnership plan is a plan that—
 - (a) specifies the area and the period to which the plan relates,
 - (b) sets out for the area—
 - (i) an analysis of the local services,
 - (ii) policies relating to the local services,
 - (iii) objectives to be met within the period as regards the quality and effectiveness of the local services provided,

Status: This is the original version (as it was originally enacted).

- (c) describes how the partnership scheme (or schemes) to be made at the same time as the partnership plan (see section 3B) is intended to assist in implementing the policies and meeting the objectives, and
 - (d) describes the intended effect of any such scheme (or schemes) on areas which are adjacent to the plan's area.
- (3) A partnership plan must also—
- (a) describe the proposals for obtaining the views of users of local services in the area about how well the plan and the partnership scheme (or schemes) are working, and
 - (b) specify how the plan is to be reviewed and the dates by which reviews are to be completed.
- (4) To make a partnership plan a local transport authority must comply with Part 1 of schedule A1.

3B Schemes to implement bus services partnership plans

- (1) A local transport authority must, at the same time as making a partnership plan, make one or more bus services improvement partnership schemes (a “partnership scheme”) relating to the whole or part of the area to which the plan relates.
- (2) A local transport authority that have made a partnership plan may make such further partnership schemes relating to the whole or part of the area of the partnership plan as they consider appropriate.
- (3) A partnership scheme is a scheme that—
- (a) specifies the area and the period to which the scheme relates,
 - (b) imposes one or more service standards in relation to the local services that have one or more stopping places in that area, and
 - (c) specifies one or more—
 - (i) facilities to be provided in the area as part of the scheme, or
 - (ii) measures to be taken under the scheme,
 by the local transport authority.
- (4) A partnership scheme may—
- (a) provide for the exemption of such local services or such descriptions of local services as the scheme may specify, and
 - (b) specify conditions (if any) as to when such exemptions are to apply.
- (5) A partnership scheme may also include requirements for the taking of actions in order to facilitate the operation of the partnership scheme.
- (6) A partnership scheme may be made only if the local transport authority are satisfied that—
- (a) the scheme will contribute to the implementation of—
 - (i) the policies set out in the partnership plan to which it relates, and
 - (ii) the authority's relevant general policies, and
 - (b) the scheme will—

Status: This is the original version (as it was originally enacted).

- (i) bring benefits to persons using local services in the whole or any part of the area to which the scheme relates by improving the quality or effectiveness of those services, or
 - (ii) reduce or limit traffic congestion, noise or air pollution.
- (7) Any specified facility must be provided at specific locations along routes served, or proposed to be served, by local services within the area of the partnership scheme.
- (8) Nothing that a local transport authority are required to provide or secure the provision of by virtue of section 33 or 34 is to be specified as a facility or measure for the purposes of a partnership scheme.
- (9) A partnership scheme must specify how its operation is to be reviewed and the dates by which reviews are to be completed.
- (10) A partnership scheme may provide for circumstances in which it may be varied or revoked in accordance with the provisions of the scheme (rather than under section 3H or, as the case may be, 3I).
- (11) To make a partnership scheme a local transport authority must comply with Part 1 of schedule A1.

3C Partnership schemes: service standards

- (1) The service standards that a partnership scheme may impose include requirements—
- (a) in relation to the frequency or timing of particular local services or local services of particular descriptions (a “route service standard”), or
 - (b) in relation to any other matter relating to the standard of service that is to be provided (an “operational service standard”).
- (2) A route service standard may, in particular, determine the frequency or timing allowed in relation to a local service—
- (a) by reference only to that service,
 - (b) by reference to that service and other local services, taken together.
- (3) An operational service standard may, in particular, impose requirements about—
- (a) the vehicles which are used to provide services,
 - (b) the maximum fares that may be charged for particular journeys, or for journeys of particular descriptions on services to which the scheme applies,
 - (c) ticketing and the manner in which entitlement to travel may be evidenced,
 - (d) the pricing of multi-operator travel cards,
 - (e) the provision of information to the public about local services,
 - (f) the dates on which the timing of local services may be changed.
- (4) A partnership scheme may not impose service standards in relation to the use of vehicles under permits granted under section 22 of the 1985 Act.

Status: This is the original version (as it was originally enacted).

- (5) A service standard imposed by a partnership scheme has effect only in relation to so much of a local service as is provided in the area to which the scheme relates.
- (6) The Scottish Ministers may by regulations define the expression “multi-operator travel cards” for the purposes of this section.

3D Route service standards: modification for overprovision

- (1) This section applies where—
 - (a) a partnership scheme is in operation,
 - (b) a route service standard imposed by the scheme applies to a service registered under section 6 of the 1985 Act, and
 - (c) the local transport authority who made the scheme are satisfied that, due to an increase (or an expected increase) in the number of operators registered in respect of the area of the scheme, the service cannot be provided in accordance with the route service standard.
- (2) The local transport authority must modify the route service standard in such manner as is necessary to take account of the number of registered operators (or expected number of such operators) to enable the service to be provided in accordance with the service standard.
- (3) A modification of a route service standard under this section is to be treated as a variation under section 3H of the partnership scheme which imposed the service standard and paragraph 18(3) of schedule 1A applies to the modification as it does to such a variation.
- (4) Without limit to the generality of section 3M, the Scottish Ministers may by regulations make further provision about the modification of route service standards under this section, including, in particular, provision—
 - (a) about the process that a local transport authority must comply with before making a modification under this section,
 - (b) about the circumstances in which a modification may be postponed and the process to be followed to postpone a modification,
 - (c) specifying circumstances in which this section is not to apply.

3E Partnership schemes: Scottish Ministers’ traffic regulation orders

- (1) This section applies if, in relation to a proposed partnership scheme or the proposed variation of an existing scheme, the provision of a facility or the taking of a measure requires the making of a traffic regulation order in respect of a road for which the Scottish Ministers are the traffic authority (within the meaning of section 121A of the Road Traffic Regulation Act 1984).
- (2) The partnership scheme may not be made, postponed, varied or revoked unless it is made, postponed, varied or revoked by the local transport authority and the Scottish Ministers acting jointly.

Status: This is the original version (as it was originally enacted).

3F Effect of partnership plans and schemes

- (1) If a partnership scheme imposes a service standard in relation to a local service, the operator of the service must comply with the service standard.
- (2) If a partnership scheme requires a local transport authority or, where section 3E applies, the Scottish Ministers, to provide a facility, they must—
 - (a) provide the facility not later than the date specified in the scheme for its provision (subject to the local transport authority postponing its coming into operation under section 3G(1) or 3H(4)),
 - (b) continue to provide the facility for the remainder of the period for which the scheme is in operation.
- (3) If a partnership scheme requires a local transport authority or (where section 3E applies) the Scottish Ministers to take a measure, they must—
 - (a) take the measure not later than the date specified in the scheme for taking it (subject to the local transport authority postponing its coming into operation under section 3G(1) or 3H(4)),
 - (b) continue to take the measure for the remainder of the period for which the scheme is in operation.
- (4) Subsections (2) and (3) do not apply in relation to any period during which the local transport authority are temporarily unable to provide the facility or, as the case may be, take the measure, due to circumstances beyond their control.
- (5) Subsections (2) and (3) do not apply in the case of the Scottish Ministers if they are unable to provide the facility or, as the case may be, take the measure, because of the variation or revocation of a traffic regulation order.
- (6) A local transport authority must secure that—
 - (a) each review of a partnership plan which is required by the plan is carried out in the manner specified in it,
 - (b) each review of the operation of a partnership scheme which is required by the scheme is carried out in the manner specified in it, and
 - (c) each review (whether of a plan or scheme) is completed by the date specified in the plan or scheme as the date for completing that review.

3G Postponement of partnership scheme coming into operation

- (1) A local transport authority may, if they consider it appropriate, decide to postpone the coming into operation of a partnership scheme or any part of it (such as the date by which a service standard must be met or facility provided) by such period as they think fit.
- (2) But the coming into operation of a partnership scheme, or any part of it, must not be postponed by a period or periods which in total exceed 12 months.
- (3) To postpone the coming into operation of a partnership scheme or any part of such a scheme, a local transport authority must comply with paragraphs 9 and 10 of schedule A1.

Status: This is the original version (as it was originally enacted).

- (4) The Scottish Ministers may by regulations amend subsection (2) to specify a different total period of postponement than the one for the time being specified there.

3H Variation of a partnership plan or scheme

- (1) A local transport authority may vary—
- (a) a partnership plan and any related scheme, or
 - (b) a partnership scheme.
- (2) In particular, a partnership plan or scheme may be varied by changing the area to which the plan or scheme relates so that it—
- (a) includes the whole of the area of another local transport authority (a “prospective authority”), or
 - (b) ceases to include any part of the area of the local transport authority which made the plan or scheme.
- (3) A partnership scheme may be varied only if the local transport authority (and, if applicable, the prospective authority) are satisfied that—
- (a) the scheme, as varied, will contribute to the implementation of—
 - (i) the policies set out in the partnership plan (or those policies in the plan as proposed to be varied) to which it relates, and
 - (ii) the local transport authority’s (and, if applicable, the prospective authority’s) relevant general policies, and
 - (b) the scheme, as varied, will—
 - (i) bring benefits to persons using local services in the whole or any part of the area of the scheme (as varied) by improving the quality or effectiveness of those services, or
 - (ii) reduce or limit traffic congestion, noise or air pollution.
- (4) A local transport authority may, if they consider it appropriate, decide to postpone the coming into operation of the variation of a partnership scheme or any part of it by such period as they think fit.
- (5) But the coming into operation of the variation of a partnership scheme, or any part of it, must not be postponed by a period or periods which in total exceed 12 months.
- (6) To—
- (a) vary a partnership plan or a partnership scheme (otherwise than in accordance with the scheme itself, under section 3D, or when making a franchising framework), a local transport authority (and any prospective authority) must comply with Part 2 of schedule A1, and
 - (b) postpone the coming into operation of such a variation, a local transport authority (and any prospective authority) must comply with paragraphs 19 and 20 of that Part.
- (7) The Scottish Ministers may by regulations amend subsection (5) to specify a different total period of postponement than the one for the time being specified there.

Status: This is the original version (as it was originally enacted).

3I Revocation of a partnership plan or scheme

- (1) A local transport authority may—
 - (a) revoke a partnership plan that relates to the whole or any part of their area,
 - (b) revoke a partnership scheme relating to such a plan.
- (2) A local transport authority may not—
 - (a) revoke a partnership plan without also revoking all the schemes relating to it, or
 - (b) revoke all schemes relating to a plan without also revoking the plan.
- (3) To revoke a partnership plan or a scheme (otherwise than in accordance with the scheme itself or when making a franchising framework), a local transport authority must comply with Part 3 of schedule A1.

3J Reports on partnership schemes

- (1) A local transport authority must, in relation to each partnership scheme made by them, for each successive period of 12 months during which the scheme is in operation, prepare and publish a report on the effectiveness of the scheme.
- (2) For the purposes of subsection (1), the first period is to begin on the date on which the scheme, or any part of it, comes into operation.
- (3) In preparing a report under subsection (1), the local transport authority must—
 - (a) consult the traffic commissioner and such other persons as they consider appropriate for the purposes of assessing the effectiveness of the scheme, and
 - (b) consider any representations made to them (whether as part of the consultation or otherwise) in relation to the effectiveness of the scheme during the period under review.

3K Provision of information: bus services improvement partnerships

- (1) This section applies if a local transport authority are exercising any of the following functions—
 - (a) preparing and making a partnership plan or scheme,
 - (b) reviewing the effectiveness of a partnership plan or scheme, or
 - (c) determining whether and how to vary, or revoke, a partnership plan or scheme.
- (2) The local transport authority may require an operator of a local service in the relevant area to provide them with such relevant information relating to the function being exercised as they may specify.
- (3) The local transport authority must specify the function it is exercising when requiring the provision of relevant information.
- (4) The operator may be required to provide the information—

Status: This is the original version (as it was originally enacted).

- (a) in any form which, having regard to the manner in which the information is kept, it is reasonable to expect the operator to provide, and
 - (b) before the end of such period as may be specified by the local transport authority.
- (5) A local transport authority that have obtained relevant information under this section may only—
- (a) use the information for the purpose of exercising the function for which it was obtained, and
 - (b) supply the information to a person listed in subsection (6) for use in connection with that function.
- (6) The persons are—
- (a) a local transport authority,
 - (b) persons providing services to the local transport authority in connection with the function being exercised,
 - (c) where section 3E applies, the Scottish Ministers.
- (7) A person who receives relevant information under subsection (5)(b) must not disclose it to any other person or use it in connection with a purpose other than the specified function.
- (8) A person who, without reasonable excuse, discloses information in contravention of this section commits an offence.
- (9) A person who commits an offence under subsection (8) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (10) Where an offence under subsection (8) committed by a local transport authority is proved to have been committed with the consent or connivance of, or to be attributable to the neglect on the part of, a person employed by the authority, the person as well as the authority is guilty of the offence and liable to be proceeded against and punished accordingly.
- (11) In this section, “relevant information” means information of a description specified in regulations made by the Scottish Ministers.
- (12) Regulations under subsection (11) may specify circumstances in which relevant information (or types of relevant information) may not be required by a local transport authority.

3L Multi-authority bus services improvement partnerships

- (1) Two or more local transport authorities may act jointly to make a partnership plan and scheme (or schemes) under this chapter.
- (2) In those circumstances, unless the context otherwise requires, a reference in this chapter (other than this section) to—
 - (a) a local transport authority, in relation to a partnership plan or a partnership scheme or to a proposed plan or scheme, is a reference to the authorities acting jointly,
 - (b) the area of a local transport authority is a reference to the combined areas of the authorities,

Status: This is the original version (as it was originally enacted).

- (c) the relevant general policies of a local transport authority is a reference to the relevant general policies of each local transport authority.
- (3) Where two or more local transport authorities act jointly to make a partnership plan or scheme, they must continue to act jointly in relation to the plan or scheme in all respects.

3M Further provision

- (1) The Scottish Ministers may by regulations make further provision about—
- (a) partnership plans and schemes,
 - (b) the procedures to be followed to prepare and make, postpone, vary and revoke a plan or scheme (but see also Part 4 of schedule A1 which confers power on the Scottish Ministers in relation to certain expressions used in those procedures),
 - (c) reviewing and reporting on the operation of a plan and scheme.
- (2) Without limit to that generality, regulations under this section may make provision about—
- (a) the form and content of a partnership plan or scheme,
 - (b) descriptions of local services which may or must be exempted from a scheme,
 - (c) what may constitute a facility or measure,
 - (d) the conditions that may be specified in a scheme for its variation or revocation,
 - (e) the form and content of any notice to be given in connection with a plan or scheme,
 - (f) the standards and requirements that a scheme or plan may specify in respect of the accessibility of bus services for disabled persons and persons who have limited mobility.”.

36 Procedures for partnership plans and schemes

- (1) The Transport (Scotland) Act 2001 is amended as follows.
- (2) Before schedule 1 insert—

Status: This is the original version (as it was originally enacted).

“SCHEDULE A1
(introduced by section 3A)

BUS SERVICES IMPROVEMENT PARTNERSHIP PLANS AND SCHEMES: PROCEDURES

PART 1

MAKING

Meaning of partnership proposal

- 1 For the purposes of this Part—
- (a) a reference to a partnership proposal is a reference to a proposal by a local transport authority to make—
 - (i) a partnership plan and scheme (or schemes), or
 - (ii) a partnership scheme (or schemes) in relation to an existing partnership plan,
 - (b) a reference to the area of a partnership proposal is—
 - (i) in a case where the proposal is to make a partnership plan and scheme, a reference to the area to which the proposed plan relates,
 - (ii) in a case where the proposal is to make a new scheme in relation to an existing plan, a reference to the area to which that plan relates.

Preliminary notice

- 2 Where a local transport authority intend to prepare a partnership proposal, they must give notice of their intention in such manner as they consider appropriate for bringing the notice to the attention of persons in their area.

Preparation

- 3 After giving notice under paragraph 2, the local transport authority must—
- (a) invite every person who is an operator of a qualifying local service in the area to which the partnership proposal relates (including those who, for whatever reason, become such an operator during the period when the proposal is being prepared) to participate in the preparation of the partnership proposal, and
 - (b) in collaboration with such invited persons as wish to participate, prepare the partnership proposal for consultation.

Notice of proposal and period for objections

- 4 (1) The local transport authority must give notice of the partnership proposal prepared under paragraph 3 to persons who, on the relevant day, are operators of qualifying local services in the area of the partnership proposal.

Status: This is the original version (as it was originally enacted).

- (2) A notice under this paragraph must—
 - (a) contain full details of the partnership proposal,
 - (b) contain a statement advising of the effect of paragraph 5,
 - (c) state the period within which objections may be made (which may not be less than 28 days).
- (3) In this paragraph, “the relevant day”, in relation to a partnership proposal, means the day before the day on which the local transport authority send out notices in accordance with sub-paragraph (1).

Effect of objections

- 5 (1) The local transport authority may not progress the partnership proposal and, in particular, may not consult under paragraph 6 if, within the period for objections—
 - (a) in a case where the partnership proposal is a proposal to make a partnership plan and scheme (or schemes)—
 - (i) a sufficient number of the persons who are operators of qualifying local services in the area of the partnership proposal object to it being made, or
 - (ii) a sufficient number of the persons who are operators of qualifying local services in the area of the scheme object to it being made, or
 - (b) in a case where the partnership proposal is a proposal to make a scheme (or schemes) in relation to an existing plan, a sufficient number of the persons who are operators of qualifying local services in the area of the scheme object to it being made.
- (2) If the partnership proposal is a proposal to make two or more schemes at the same time, paragraphs (a)(ii) and (b) of sub-paragraph (1) have effect as if references to the scheme were references to the scheme in question.

Notice of, and consultation on, partnership proposal

- 6 (1) This paragraph applies where, following the period for objections under paragraph 5, a local transport authority are not prevented from consulting.
- (2) The local transport authority must give notice of the partnership proposal in such manner as they consider appropriate for bringing the notice to the attention of persons in their area.
- (3) A notice under sub-paragraph (2) must—
 - (a) contain full details of the partnership proposal, or
 - (b) state where such details may be inspected.
- (4) After giving the notice, the local transport authority must consult—
 - (a) all operators of local services who, in the opinion of the authority, are likely to be affected by the partnership proposal,
 - (b) such organisations appearing to the authority to be representative of users of local services as they think fit,

Status: This is the original version (as it was originally enacted).

- (c) any other local transport authority or Transport Partnership that the authority consider may be affected by the partnership proposal,
- (d) the traffic commissioner,
- (e) the chief constable of the Police Service of Scotland,
- (f) the Competition and Markets Authority, and
- (g) such other persons as the authority think fit.

Modifications of partnership proposal

- 7 (1) This section applies where, following consultation under paragraph 6, a local transport authority consider it appropriate to modify the partnership proposal.
- (2) The local transport authority must give notice of the partnership proposal as modified to persons who, on the relevant day, are operators of qualifying local services in the area to which the partnership proposal as modified relates.
- (3) The notice under sub-paragraph (2) must—
- (a) contain full details of the partnership proposal as modified,
 - (b) contain a statement advising of the effect of sub-paragraph (4),
 - (c) state the period within which objections may be made (which may not be less than 28 days).
- (4) The local transport authority may not make the partnership proposal (as modified) if, within the period for making objections—
- (a) in a case where the partnership proposal is a proposal to make a partnership plan and scheme (or schemes)—
 - (i) a sufficient number of the persons who are operators of qualifying local services in the area of the partnership proposal object to it being made,
 - (ii) a sufficient number of the persons who are operators of qualifying local services in the area of the scheme object to it being made, or
 - (b) in a case where the partnership proposal is a proposal to make a scheme (or schemes) in relation to an existing plan, a sufficient number of the persons who are operators of qualifying local services in the area of the scheme object to it being made.
- (5) If the partnership proposal (as modified) relates to the making of two or more schemes at the same time, paragraphs (a)(ii) and (b) of sub-paragraph (4) have effect as if the references to the scheme were references to the scheme in question.
- (6) In this paragraph, “the relevant day”, in relation to a partnership proposal which has been modified, means the day before the day on which the local transport authority send out notices relating to the proposal in accordance with sub-paragraph (2).

Status: This is the original version (as it was originally enacted).

Making of partnership plan or scheme and giving notice to that effect

- 8 (1) This paragraph applies where a local transport authority—
- (a) have consulted on a partnership proposal,
 - (b) if applicable, are not prevented from making the partnership proposal as modified under paragraph 7, and
 - (c) decide to make the partnership proposal (or the proposal as modified).
- (2) The local transport authority may proceed to make the partnership plan and schemes (or schemes) or, as the case may be, scheme (or schemes) relating to an existing plan contained in the partnership proposal.
- (3) But the making of the scheme does not have effect unless, within the period of 14 days beginning with the day after the day on which the local transport authority made the partnership plan and scheme (or schemes) or, as the case may be, scheme (or schemes) relating to an existing plan, the authority give notice of the partnership proposal having been made to—
- (a) all operators of local services who, in the opinion of the authority, are likely to be affected by it having been made,
 - (b) such organisations appearing to the authority to be representative of users of local services as they think fit,
 - (c) any other local transport authority or Transport Partnership that the authority consider may be affected by the partnership proposal being made,
 - (d) the traffic commissioner,
 - (e) the chief constable of the Police Service of Scotland,
 - (f) the Competition and Markets Authority, and
 - (g) such other persons as the authority think fit.
- (4) The notice must—
- (a) contain full details of the partnership plan and scheme or, as the case may be, the scheme, that has been made, or
 - (b) state where such details may be inspected.

Consulting on postponing the coming into operation of partnership scheme

- 9 Where a local transport authority propose to postpone the coming into operation of a partnership scheme (or any part of it), before making a decision on whether or not to do so, they must consult all operators of local services who are, in their opinion, likely to be affected by the postponement.

Postponing the coming into operation of partnership scheme and giving notice

- 10 (1) This paragraph applies where a local transport authority—
- (a) have consulted on postponing the coming into operation of a partnership scheme (or any part of it), and
 - (b) have decided to postpone the scheme (or any part of it).

Status: This is the original version (as it was originally enacted).

- (2) The local transport authority may proceed to postpone the coming into operation of the partnership scheme (or any part of it).
- (3) But the postponement does not have effect unless, within the period of 14 days beginning with the day after the day on which the local transport authority decide to postpone the coming into operation of the partnership scheme (or any part of it), the authority—
 - (a) publicise their decision in a manner they consider likely to bring the postponement to the attention of persons likely to be affected by the postponement, and
 - (b) give notice of their decision to—
 - (i) any operator of a local service who is, in the opinion of the authority, likely to be affected by the postponement, and
 - (ii) the traffic commissioner.
- (4) The notice must include a statement of the local transport authority's reasons for deciding to postpone the coming into operation of the partnership scheme (or any part of it).

PART 2

VARIATION

Meaning of local transport authority for the purposes of this Part

- 11 For the purposes of this Part, unless the context otherwise requires, a reference to a local transport authority includes a reference to a prospective authority (within the meaning of section 3H(2)(a)); and a reference to the area of the local transport authority is to be construed as including that of the prospective authority.

Preliminary notice

- 12 Where a local transport authority propose to vary a partnership plan or scheme under section 3H they must give notice of their proposal in such manner as they consider appropriate for bringing the notice to the attention of persons in their area.

Preparation

- 13 After giving notice under paragraph 12, the local transport authority must—
- (a) invite every person who, at the qualifying time, is (or was) an operator of a qualifying local service in the area of the partnership plan (including those who, for whatever reason, become such an operator during the period when the changes are being prepared) to participate in the preparation of the changes, and
 - (b) in collaboration with such invited persons as wish to participate, prepare the changes for consultation.

Status: This is the original version (as it was originally enacted).

Notice of draft changes and period for objections

- 14 (1) The local transport authority must give notice of the changes prepared under paragraph 13 to persons who, at the qualifying time, are (or were) operators of qualifying local services in the area of the partnership plan and, if the changes involve adjusting the area of the plan, the proposed area.
- (2) A notice under this paragraph must—
- (a) contain full details of the changes prepared,
 - (b) contain a statement advising of the effect of paragraph 15,
 - (c) state the period within which objections may be made (which may not be less than 28 days).

Effect of objections

- 15 (1) The local transport authority may not progress the proposed variation and, in particular, may not consult under paragraph 16 if, within the period for objections—
- (a) in a case where the changes prepared under paragraph 13 relate to the proposed variation of a partnership plan, a sufficient number of the persons who are (or were) operators of qualifying local services in the area of the plan at the qualifying time object to it being varied, or
 - (b) in a case where the changes prepared under paragraph 13 relate to the proposed variation of a partnership scheme, a sufficient number of persons who are (or were) operators of qualifying local services in the area of the scheme at the qualifying time object to it being varied.
- (2) If the changes prepared under paragraph 13 relate to the variation of two or more partnership schemes at the same time, sub-paragraph (1)(b) has effect as if references to the scheme were references to the scheme in question.

Notice and consultation on changes

- 16 (1) This paragraph applies where, following the period for objections under paragraph 15, a local transport authority are not prevented from consulting.
- (2) The local transport authority must give notice of the changes prepared under paragraph 13 in such manner as they consider appropriate for bringing the notice to the attention of persons in their area.
- (3) A notice under sub-paragraph (2) must—
- (a) contain full details of the changes, or
 - (b) state where such details may be inspected.
- (4) After giving the notice, the local transport authority must consult—
- (a) all operators of local services who, in the opinion of the authority, are likely to be affected by the proposed variation,

Status: This is the original version (as it was originally enacted).

- (b) such organisations appearing to the authority to be representative of users of local services as they think fit,
- (c) any other local transport authority or Transport Partnership that the authority consider may be affected by the proposed variation,
- (d) the traffic commissioner,
- (e) the chief constable of the Police Service of Scotland,
- (f) the Competition and Markets Authority, and
- (g) such other persons as the authority think fit.

Modifications of changes

- 17 (1) This section applies where, following consultation under paragraph 16, a local transport authority consider it appropriate to modify the changes prepared under paragraph 13.
- (2) The local transport authority must give notice of the changes as modified to persons who are (or were) operators of qualifying local services in the area to which the changes as modified relate at the qualifying time.
- (3) The notice under sub-paragraph (2) must—
- (a) contain full details of the changes as modified,
 - (b) contain a statement advising of the effect of sub-paragraph (4),
 - (c) state the period within which objections may be made (which may not be less than 28 days).
- (4) The local transport authority may not proceed to vary the partnership plan or scheme in line with the modified changes if, within the period for making objections—
- (a) in a case where the proposed variation relates to a plan, a sufficient number of the persons who are (or were) operators of qualifying local services in the area of the plan at the qualifying time object to the variation, or
 - (b) in a case where the proposed variation relates to a scheme, a sufficient number of the persons who are (or were) operators of qualifying local services in the area of the scheme at the qualifying time object to the variation.
- (5) If the changes (as modified) relate to the variation of two or more partnership schemes at the same time, sub-paragraph (4)(b) has effect as if the references to the scheme were references to the scheme in question.

Making the variation and giving notice to that effect

- 18 (1) This paragraph applies where a local transport authority—
- (a) have consulted on changes prepared under paragraph 13,
 - (b) if applicable, are not prevented from making the changes (as modified) under paragraph 17, and
 - (c) decide to vary the partnership plan or scheme by making the changes (or the changes as modified).
- (2) The local transport authority may proceed to vary the partnership plan or scheme (or schemes) by making the changes.

Status: This is the original version (as it was originally enacted).

- (3) But the variation does not have effect unless, within the period of 14 days beginning with the day after the day on which the local transport authority vary a partnership plan or scheme (or schemes), the authority give notice of the variation to—
- (a) all operators of local services who, in the opinion of the authority, are likely to be affected by the plan or scheme having been varied,
 - (b) such organisations appearing to the authority to be representative of users of local services as they think fit,
 - (c) any other local transport authority or Transport Partnership that the authority consider may be affected by the plan or scheme having been varied,
 - (d) the traffic commissioner,
 - (e) the chief constable of the Police Service of Scotland,
 - (f) the Competition and Markets Authority, and
 - (g) such other persons as the authority think fit.
- (4) The notice must—
- (a) contain full details of the partnership plan or scheme as varied, or
 - (b) state where such details may be inspected.

Consulting on postponing the coming into operation of variation

19 Where a local transport authority propose to postpone the coming into operation of the variation of a partnership scheme (or any part of it), before making a decision on whether or not to do so, they must consult all operators of local services who are, in their opinion, likely to be affected by the postponement.

Postponing the coming into operation of variation and giving notice to that effect

- 20 (1) This paragraph applies where a local transport authority—
- (a) have consulted on postponing the coming into operation of a variation of a partnership scheme (or any part of it), and
 - (b) have decided to postpone the variation.
- (2) The local transport authority may proceed to postpone the coming into operation of a variation of a partnership scheme (or any part of it).
- (3) But the postponement does not have effect unless, within the period of 14 days beginning with the day after the day on which the local transport authority decide to postpone the coming into operation of the variation of a partnership scheme (or any part of it), the authority—
- (a) publicise their decision in a manner they consider likely to bring the postponement to the attention of persons likely to be affected by the postponement, and
 - (b) give notice of their decision to—
 - (i) any operator of a local service who is, in the opinion of the authority, likely to be affected by the postponement, and
 - (ii) the traffic commissioner.

Status: This is the original version (as it was originally enacted).

- (4) The notice must include a statement of the local transport authority’s reasons for deciding to postpone the coming into operation of the variation of a partnership scheme (or any part of it).

PART 3

REVOCATION

Notice of proposal to revoke

- 21 Where a local transport authority propose to revoke a partnership plan or a partnership scheme under section 3I, they must give notice of the proposal in such manner as they consider appropriate to bring the proposal to the attention of persons in their area.

Consultation on proposal

- 22 After giving notice under paragraph 21, the local transport authority must consult—
- (a) all operators of local services who, in the opinion of the authority, are likely to be affected by the proposed revocation,
 - (b) such organisations appearing to the authority to be representative of users of local services as they think fit,
 - (c) any other local transport authority or Transport Partnership that the authority consider may be affected by the proposed revocation,
 - (d) the traffic commissioner,
 - (e) the chief constable of the Police Service of Scotland,
 - (f) the Competition and Markets Authority, and
 - (g) such other persons as the authority think fit.

Notice of intention to revoke and period for objections

- 23 (1) If, following consultation under paragraph 22, the local transport authority consider it appropriate to revoke the partnership plan or scheme, they must give notice of their intention to any persons who are (or were) operators of qualifying local services at the qualifying time.
- (2) The notice under sub-paragraph (1) must—
- (a) state the date on which the partnership plan or scheme is to be revoked,
 - (b) state the local transport authority’s reasons for revoking the plan or scheme,
 - (c) contain a statement advising of the effect of paragraph 24,
 - (d) state the period within which objections may be made (which may not be less than 28 days).

Effect of objections

- 24 The local transport authority may not revoke the partnership plan or scheme if a sufficient number of the persons who are (or were) operators of

qualifying local services at the qualifying time object to the revocation of the plan or, as the case may be, the scheme.

Revoking the plan or scheme and giving notice to that effect

- 25 (1) This paragraph applies where a local transport authority—
- (a) have given notice of their intention to revoke a partnership plan or scheme under paragraph 23,
 - (b) are not prevented from revoking the scheme under paragraph 24, and
 - (c) decide to proceed with the revocation.
- (2) The local transport authority may proceed to revoke the partnership plan or scheme (or schemes).
- (3) But the revocation does not have effect unless, within the period of 14 days beginning with the day after the day on which the partnership plan or scheme is revoked, the local transport authority give notice of the revocation to—
- (a) all operators of local services who, in the opinion of the authority, are likely to be affected by the plan or scheme having been revoked,
 - (b) such organisations appearing to the authority to be representative of users of local services as they think fit,
 - (c) any other local transport authority or Transport Partnership that the authority consider may be affected by the plan or scheme having been revoked,
 - (d) the traffic commissioner,
 - (e) the chief constable of the Police Service of Scotland,
 - (f) the Competition and Markets Authority, and
 - (g) such other persons as the authority think fit.

PART 4

POWERS OF SCOTTISH MINISTERS IN RELATION TO CERTAIN EXPRESSIONS USED IN THIS SCHEDULE

- 26 (1) Without limit to the generality of section 3M, the Scottish Ministers may by regulations specify—
- (a) the descriptions of local services that are qualifying local services for the purposes of this schedule,
 - (b) what constitutes a sufficient number of persons for the purposes of paragraphs 5(1), 7(4), 15(1), 17(4) and 24,
 - (c) how the qualifying time is to be determined for the purposes of paragraphs 13(a), 14(1), 15(1), 17(2) and (4), 23(1) and 24.
- (2) Regulations made in pursuance of sub-paragraph (1)(b) may, in particular—
- (a) require that a sufficient number of persons is—
 - (i) all persons providing qualifying local services in the area in question, or

- (ii) such number of persons as, together, provide at least such proportion of the qualifying local services in the area in question as is specified in the regulations, in addition to being at least such proportion of all persons providing those services as is specified in the regulations,
- (b) make provision about determining the proportion of qualifying local services provided by an operator, including provision about the time by reference to which the proportion is to be determined.”.

37 Registration of local services and functions of traffic commissioner

- (1) The Transport Act 1985 Act is amended as follows.
- (2) In section 6 (registration of local services)—
 - (a) after subsection (2) insert—
 - “(2ZA) Where—
 - (a) a bus services improvement partnership scheme made under section 3B of the Transport (Scotland) Act 2001 is in operation,
 - (b) a service is registered or a registration of a service is varied under this section, and
 - (c) a service standard imposed under section 3B(3)(b) of the Transport (Scotland) Act 2001 applies to the service or the service as varied,
 the service standard is to be recorded with the particulars of the service required to be registered under this section.”,
 - (b) after subsection (7) insert—
 - “(7ZA) Where a bus services improvement partnership scheme made under section 3B of the Transport (Scotland) Act 2001 is in operation, the registration of a service may also be cancelled under section 6L of this Act.”.
- (3) After section 6J insert—

“6K Application for registration where service standard has effect

- (1) This section applies where—
 - (a) a bus services improvement partnership scheme made under section 3B of the Transport (Scotland) Act 2001 is in operation,
 - (b) a service standard imposed under section 3B(3)(b) of that Act has effect,
 - (c) an application for registration, or for variation of registration, is made under section 6 of this Act in respect of a local service to which that service standard would apply if the application were granted, and
 - (d) the application is one which would, but for this section, fall to be accepted.
- (2) A traffic commissioner must refuse the application if—
 - (a) the service standard is an operational service standard, and

Status: This is the original version (as it was originally enacted).

- (b) the traffic commissioner considers that the person who would be the operator of—
 - (i) the service proposed to be provided, or
 - (ii) the service as proposed to be varied,is unlikely to be able to comply with the service standard as regards that service.
- (3) In this section, “operational service standard” is to be construed in accordance with section 3C(1)(b) of the Transport (Scotland) Act 2001.

6L Cancellation of registration when operational service standards not met

- (1) This section applies where—
 - (a) a bus services improvement partnership scheme made under section 3B of the Transport (Scotland) Act 2001 is in operation, and
 - (b) one or more service standards imposed under section 3B(3)(b) of that Act have effect.
- (2) If a traffic commissioner considers that—
 - (a) an operational service standard imposed by the scheme applies to a service registered under section 6, and
 - (b) the service is not being provided in accordance with that service standard,the traffic commissioner may cancel the registration of that service.
- (3) In this section, “operational service standard” is to be construed in accordance with section 3C(1)(b) of the Transport (Scotland) Act 2001.

6M Power to make regulations for appeals against service standards decisions

Regulations may make provision for or about appeals relating to any—

- (a) decision to record a service standard as a prescribed particular under section 6(2ZA),
- (b) refusal of an application by virtue of section 6K(2),
- (c) cancellation of the registration of a service by virtue of section 6L(2),
- (d) decision to register a service that has a stopping place in the area to which the scheme relates, or
- (e) decision not to record a service standard in relation to such a service under section 6(2ZA).

6N Scrutiny of operation of bus services improvement partnership

- (1) This section applies where—
 - (a) a bus services improvement partnership scheme made under section 3B of the 2001 Act (“the scheme”) is in operation, and
 - (b) it appears to a traffic commissioner that the local transport authority (or authorities) who made the scheme may not be complying with

Status: This is the original version (as it was originally enacted).

their obligations under it including, in particular, any duty arising under section 3F(2) or (3) of the 2001 Act.

- (2) The traffic commissioner may—
 - (a) investigate the actions of the local transport authority (or authorities) in relation to their compliance with their obligations under the scheme,
 - (b) require the authority (or authorities) to provide such information as the commissioner may specify for the purposes of the investigation.
- (3) A local transport authority may be required to provide the information before the end of such period as may be specified by the traffic commissioner when imposing the requirement.
- (4) Following an investigation under subsection (2), the traffic commissioner must prepare and publish a report—
 - (a) setting out whether or not the commissioner is satisfied that the local transport authority (or authorities) are complying with their obligations under the scheme, and
 - (b) if the commissioner is not satisfied that the authority (or authorities) are complying with their obligations, making such recommendations as the commissioner considers appropriate, including, in particular, recommendations that the authority (or authorities) take such remedial action as may be specified in the report.
- (5) Before publishing a report prepared under subsection (4), the commissioner must provide a copy of it to—
 - (a) the local transport authority (or authorities) who made the scheme, and
 - (b) each operator providing a local service with a stopping place in the area of the scheme.
- (6) Where, under section 3E of the 2001 Act, the Scottish Ministers acted jointly with a local transport authority (or authorities) to make the scheme, this section applies to the Scottish Ministers as it applies to the authority (or authorities).
- (7) In this section—

“2001 Act” means the Transport (Scotland) Act 2001,
“local transport authority” has the meaning given in section 82(1) of the 2001 Act.”.