

Draft Order laid before the Scottish Parliament under section 52(3) of the Transport (Scotland) Act 2005, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2006 No.

TRANSPORT

**The Transfer of Functions to the South-West
of Scotland Transport Partnership Order 2006**

<i>Made</i>	- - - -	2006
<i>Coming into force</i>	- -	2006

The Scottish Ministers, in exercise of the powers conferred by sections 10(1) and 52(4) of the Transport (Scotland) Act 2005(1) and all other powers enabling them in that behalf, following consultation in terms of section 10(8) of that Act, hereby make the following Order, a draft of which has, in accordance with section 52(3) of that Act, been laid before and approved by resolution of the Scottish Parliament:

Citation and commencement

1. This Order may be cited as the Transfer of Functions to the South-West of Scotland Transport Partnership Order 2006 and shall come into force on the day after the day on which it is made.

Interpretation

2. In this Order—

“Dumfries and Galloway Council” means the council of that name constituted under section 2 of the Local Government etc. (Scotland) Act 1994(2); and

“the South-West of Scotland Transport Partnership” means the Transport Partnership established with that name by the Regional Transport Partnerships (Establishment, Constitution and Membership) (Scotland) Order 2005(3).

Transfer of functions to the South-West of Scotland Transport Partnership

3. The functions which are exercisable by Dumfries and Galloway Council by virtue of the enactments specified in column 1 of Schedule 1 shall, subject to any restriction in the corresponding

(1) 2005 asp 12.
(2) 1994 c. 39.
(3) S.S.I. 2005/622.

entry in column 2 of that Schedule, be exercisable by the South-West of Scotland Transport Partnership instead of by Dumfries and Galloway Council.

Functions exercisable concurrently by the South-West of Scotland Transport Partnership

4. The functions which are exercisable by Dumfries and Galloway Council by virtue of the enactments specified in column 1 of Schedule 2 shall, subject to any restriction in the corresponding entry in column 2 of that Schedule, be exercisable by the South-West of Scotland Transport Partnership concurrently with Dumfries and Galloway Council.

Transitional and saving provision

5.—(1) The transfer, by virtue of this Order, of any function exercisable by Dumfries and Galloway Council to the South-West of Scotland Transport Partnership shall not affect the validity of anything done (or having effect as if done) by or in relation to Dumfries and Galloway Council before the date on which the transfer takes effect.

(2) Anything (including legal proceedings) which, at the time when that transfer takes effect, is in the process of being done by or in relation to Dumfries and Galloway Council may, so far as it relates to any function transferred, be continued by or in relation to South-West of Scotland Transport Partnership.

(3) Anything done (or having effect as if done) by or in relation to Dumfries and Galloway Council for the purposes of or in connection with any function transferred to the South-West of Scotland Transport Partnership by virtue of this Order shall, if in force at the time when that transfer takes effect, have effect as if done by or in relation to South-West of Scotland Transport Partnership in so far as that is required for continuing its effect after that time.

St Andrew's House,
Edinburgh
2006

A member of the Scottish Executive

SCHEDULE 1

Article 3

FUNCTIONS TRANSFERRED TO THE SOUTH-WEST OF SCOTLAND TRANSPORT PARTNERSHIP

<i>Column 1 Enactment</i>	<i>Column 2 Restrictions</i>
The Transport Act 1985 (c. 67)–	
(a) (a) sections 63(4) and 64(5); and	(a) (a) only so far as the functions do not relate to Dumfries and Galloway Council as–
	(i) an education authority for the purposes of the Education (Scotland) Act 1980 (c. 44); or
	(ii) a local authority for the purposes of the Social Work (Scotland) Act 1968 (c. 49).
(b) (b) sections 93 to 100(6).	(b) (b) –
The Transport (Scotland) Act 2001 (asp 2), sections 3, 5(7) to 10, 13 to 21, 23 to 25, 28 to 31, 33 to 35 and 47.	–

SCHEDULE 2

Article 4

FUNCTIONS EXERCISABLE CONCURRENTLY BY THE SOUTH-WEST OF SCOTLAND TRANSPORT PARTNERSHIP AND DUMFRIES AND GALLOWAY COUNCIL

<i>Column 1 Enactment</i>	<i>Column 2 Restrictions</i>
The Local Government (Omnibus Shelters and Queue Barriers) (Scotland) Act 1958 (c. 50), sections 1 to 4(8) and 6.	
The Road Traffic Regulation Act 1984 (c. 27)–	
(a) (a) sections 1 to 4(9); and	(a) (a) only so far as the functions are exercisable by Dumfries and Galloway Council as the local traffic

- (4) Section 63 was amended by the Transport (Scotland) Act 2001 (asp 2) (“the 2001 Act”), Schedule 2, paragraph 4(3) and the Local Government in Scotland Act 2003 (asp 1) (“the 2003 Act”), section 60(3)(a).
- (5) Section 64 was amended by the Transport Act 2000 (c. 38), Schedule 11, paragraph 12.
- (6) Section 93 was amended by the 2003 Act, section 44(1). Section 94(4) was amended by the 2001 Act, Schedule 2, paragraph 4(5).
- (7) Section 5 was amended by S.S.I. 2001/218.
- (8) Section 1 was amended by the Roads (Scotland) Act 1984 (c. 54) (“the 1984 Act”), sections 49, 156(1) and Schedule 9, paragraph 48(2)(a)(b). Section 2 was amended by the 1984 Act, sections 49, 156(1) and Schedule 9, paragraph 48(3). Section 3 was amended by S.I.2003/2155. Section 4 was amended by the 1984 Act, section 49.
- (9) Section 1 was amended by the 2001 Act, Schedule 2, paragraph 3. Section 2 was amended by the New Roads and Street Works Act 1991 (c. 22) (“the 1991 Act”), Schedule 8(II), paragraph 18(4). Section 3 was amended by the 1991 Act, Schedule 9, paragraph 1. Section 4 was amended by S.I. 1996/1553.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: *The Transfer of Functions to the South-West of Scotland Transport Partnership Order 2006 No. 538*

<i>Column 1 Enactment</i>	<i>Column 2 Restrictions</i>
	authority for facilitating the passage on the road or any other road of—
	(i) public service vehicles within the meaning of the Public Passenger Vehicles Act 1981 (c. 14); and
	(ii) taxis for which a licence is required by virtue of section 10(1) of the Civic Government (Scotland) Act 1982 (c. 45).
(b) (b) section 19(10). The Transport Act 1985 (c. 67), section 106(11).	(b) (b) – –

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for certain statutory functions of Dumfries and Galloway Council relating to transport to be exercisable by the South-West of Scotland Transport Partnership instead of, or concurrently with, that Council.

Article 3 and Schedule 1 provide for the transfer of certain statutory transport functions exercisable by Dumfries and Galloway Council to the South-West of Scotland Transport Partnership, subject, in certain cases, to specified restrictions. The functions transferred include functions relating to local travel concessionary schemes, making quality partnership and quality contract schemes, ticketing arrangements and ticketing schemes.

Article 4 and Schedule 2 provide for the concurrent exercise of certain statutory transport functions by Dumfries and Galloway Council and the South-West of Scotland Transport Partnership, subject, in certain cases, to specified restrictions. The functions transferred include the function of making traffic regulation orders and functions relating to the provision and maintenance of bus shelters.

Article 5 makes general transitional and savings provisions to facilitate the transfer of functions provided for in the Order.

(10) Section 19 was amended by the 1991 Act, Schedule 9, paragraph 1.

(11) Section 106 was amended by S.I. 1996/974.