

Draft Regulations laid before the Scottish Parliament under section 128(4) of the Transport (Scotland) Act 2019, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2023 No.

TRANSPORT

**The Transport (Scotland) Act 2019
Amendment Regulations 2023**

Made - - - - 2023
Coming into force - - 27th November 2023

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 129 of the Transport (Scotland) Act 2019⁽¹⁾ and all other powers enabling them to do so.

In accordance with section 128(4) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Transport (Scotland) Act 2019 Amendment Regulations 2023 and come into force on 27 November 2023.

(2) In these Regulations “the 2001 Act” means the Transport (Scotland) Act 2001⁽²⁾.

Amendment of the Transport (Scotland) Act 2019

2.—(1) The Transport (Scotland) Act 2019 is amended in accordance with paragraphs (2) to (7).

(2) In section 35 (bus services improvement partnerships), in inserted section 3D(3) of the 2001 Act, for “1A” substitute “A1”.

(3) In section 40 (provision of information about bus services), omit subsection (4).

(4) In section 41 (ticketing arrangements), omit subsection (5).

(5) In section 55 (exceptions to pavement parking prohibition and double parking prohibition), in subsection (2)—

(a) at the end of the opening words omit the words “the motor vehicle”,

(b) in paragraph (a), before the words “is being used” insert “the motor vehicle”.

(6) In section 65(4)(b)(v) (power to share information), for “49(1)” substitute “59(1)”.

(1) 2019 asp 17.
(2) 2001 asp 2.

(7) In the schedule—

(a) in paragraph 3(4)(b)—

(i) inserted paragraph (ba) of section 39(1) of the 2001 Act is renumbered (bb),

(ii) in that paragraph as renumbered, for “3JA(2) or 13QA(2)” substitute “3K(2) or 13R(2)”,

(b) in paragraph 3(8)(b), after “13Q(4)” insert “27A(5), 35A(1)”,

(c) in paragraph 3(8)(c), in inserted paragraph (c) of section 81(4) of the 2001 Act, for “3L(2)(c)” substitute “3M(2)(c)”.

St Andrew’s House,
Edinburgh
Date

Name
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Transport (Scotland) Act 2019 (“the 2019 Act”).

The Transport (Scotland) Bill (“the Bill”) became the 2019 Act on 15 November 2019. During the Bill’s parliamentary passage, amendments were made to certain provisions of the Transport (Scotland) Act 2001 (“the 2001 Act”). To ensure the amendments were properly reflected throughout the Bill cross-references to the amendments required to be updated and in certain instances those updates were not made. These Regulations make provision for omitted and erroneous cross-references so the 2019 Act can be given full effect.

Regulation 2(2) makes provision to correct an erroneous cross-reference in inserted section 3D(3) of the 2001 Act.

Section 40(4), section 41(5) and paragraph 3(8) of the schedule of the 2019 Act amend section 81 (regulation and orders) of the 2001 Act. Regulation 2(7)(b) amends paragraph 3(8)(b) of the schedule of the 2019 Act to make provision for omitted cross-references in section 81(4)(b) of the 2001 Act to ensure that the intention as regards the Parliamentary procedure attaching to regulations under new inserted sections 27A(5) and 35A(1) of the 2001 Act (i.e. affirmative procedure) is realised. Consequently, regulation 2(3) and (4) omits sections 40(4) and 41(5) of the 2019 Act as these provisions are redundant. Regulation 2(7)(c) makes provision to correct an erroneous cross-reference in inserted paragraph (c) of section 81(4) of the 2001 Act.

Regulation 2(5) makes provision to correct an error in section 55 of the 2019 Act (exceptions to pavement parking prohibition and double parking prohibition).

Regulation 2(6) makes provision to correct an erroneous cross-reference in section 65(4)(b)(v) (power to share information) of the 2019 Act.

Paragraph 3(4)(b) in the schedule of the 2019 Act amends section 39(1) (penalties) of the 2001 Act by inserting new paragraph (ba). Section 39(2) of the 2019 Act also inserts a new paragraph (ba) into section 39(1) of the 2001 Act and so regulation 2(7)(a) amends paragraph 3(4)(b) in the schedule of the 2019 Act to renumber the inserted paragraph and to correct erroneous cross-references in that paragraph.

No business and regulatory impact assessment has been prepared for these Regulations as no impact upon business, charities or voluntary bodies is foreseen.