

EXECUTIVE NOTE

The Public Transport Users' Committee for Scotland Amendment Order 2008 SSI/2008/186

1. The above instrument will be made in exercise of the powers conferred on the Scottish Ministers by sections 41 (1) and (2), 42(3) and 52(4) of the Transport (Scotland) Act 2005(a). This instrument is subject to the negative resolution procedure.

Policy Objectives

2. As stated in the First Minister's statement on Effective Government, the Mobility and Access Committee for Scotland (MACS) and the Public Transport Users' Committee for Scotland (PTUC) are being brought together into a single body to represent the interests of all transport users in Scotland. The amalgamation of the two bodies will ensure that recommendations and advice to Ministers on transport matters takes full cognisance of accessibility and mobility issues. The amalgamation will take place on 01 July 2008.

3. Section 41 of The Transport (Scotland) Act 2005 placed a duty on Scottish Ministers to establish a Public Transport Users' Committee for Scotland. The Public Transport Users' Committee for Scotland is an advisory NDPB and was set up by the Public Transport Users' Committee for Scotland Order 2006.

4. This Order prescribes that at least 3 of the PTUC's members must be disabled under the Disability Discrimination Act 1995. It also increases the number of the maximum number of members from 12 to up to 15 and prescribes that there must be at least 10 members. This change allows the Committee to be increased to add three additional members, all of whom will be disabled persons. Through time the Convener may reduce the number of members, but at all times there must be at least 3 disabled members.

5. This Order will come into effect on 01 July 2008.

6. The Mobility and Access Committee for Scotland Regulations Revocation Regulations 2008, which has been laid separately, will revoke the Regulations which constituted MACS. Those Regulations will come into effect on 01 July 2008.

7. Scottish Ministers have the power to write to the Convener of the PTUC, under section 42(2) of the Transport (Scotland) Act 2005, to ask the PTUC to consider and make recommendations to Scottish Ministers on the matters formerly considered by MACS. The transition team is currently determining if this power requires to be used as the PTUC remit currently covers accessibility and mobility.

8. A public appointment process is currently underway to appoint 3 disabled persons as members of the PTUC. Applications are invited from those with a direct personal experience of mobility and accessibility issues when using public transport.

Consultation

9. In December 2005 the Scottish Executive issued the consultation document “Consultation on: Proposals for a Public Transport Users’ Committee for Scotland”. The consultation document was widely distributed and invited views on the structure, remit and membership of the new body. The consultation suggested, as part of the option to have an integrated high-level committee, that the functions of MACS should be incorporated into the PTUC.

10. The consultation ran for three months and we received a total of 74 responses from users, providers and representative bodies. The majority of responses were in favour of MACS becoming part of the PTUC, with only 7 bodies, including MACS, not in favour of the move. It was felt at the time that allow MACS to remain independent but that the position would be reviewed in the near future, once the PTUC was up and running. All responses to the consultation can be viewed on the Scottish Executive website as can a report on the consultation.

11. The Government recently consulted with MACS and key stakeholders on the changes that are required to be made to the PTUC Order to ensure that the enlarged body represents the interest of all public transport users in Scotland. The conclusions from the consultation were used to frame the PTUC Amendment Order.

12. Members of the two organisations are currently working with the Scottish Government to ensure the transition process runs smoothly.

13. The Government is currently carrying out an Equality Impact Assessment on amalgamation of the PTUC and MACS. The report will be published on the Scottish Government’s website.

Financial Effects

14. As MACS and PTUC share the same secretariat, the instrument has no financial effects on Scottish Government, local government or on business.

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May 2008