

EXECUTIVE NOTE

THE BUS LANE CONTRAVENTIONS (APPROVED LOCAL AUTHORITIES) (SCOTLAND) ORDER 2011 (SSI 2011/443)

THE BUS LANE CONTRAVENTIONS (CHARGES, ADJUDICATION AND ENFORCEMENT) (SCOTLAND) REGULATIONS 2011 (SSI 2011/442)

THE BUS LANES (APPROVED DEVICES) (SCOTLAND) ORDER 2011 (SSI 2011/444)

1. The Transport (Scotland) Act 2001 introduced powers for the local authorities which currently undertake decriminalised parking enforcement (DPE) to extend their powers to enforce bus lane contraventions by the use of evidence provided by approved devices.

Policy Objectives and Background

2. The purpose of these three Scottish Statutory Instruments is to introduce civil enforcement of bus lane contraventions in three Council areas. It is anticipated that the introduction of these powers will lead to an increase in enforcement of bus lane contraventions with fewer motorists being inclined to use them as a means of avoiding congestion. This in turn should lead to improved journey times and reliability of public transport, making bus a more attractive option, encouraging modal shift and subsequently leading to a reduction in emissions in the Council area where these measures are introduced.

3. Enactment of these powers would be supplementary to existing police enforcement powers in respect of bus lane contraventions.

4. A set of three Scottish Statutory Instruments, made under the 2001 Act is required to allow local authorities which have introduced DPE to enforce bus lane contraventions through the use of evidence provided by approved devices. These instruments are as follows:

- a. **The Bus Lane Contraventions (Approved Local Authorities) (Scotland) Order 2011.**

This SSI designates those local authorities approved to carry out such functions.

- b. **The Bus Lane Contravention (Charges, Adjudication and Enforcement) (Scotland) Regulations 2011.**

This SSI sets out details of who is liable for the charge, the notification procedure and how to make representations against the charge. It also sets out the adjudication system for charges and how enforcement of charges is to be progressed.

- c. **The Bus Lanes (Approved Devices) (Scotland) Order 2011.**

This SSI specifies the approved devices that a local authority may use to enforce bus lane contraventions.

5. Any sums paid by way of charges will accrue to the local authority and will be used for the purpose of directly or indirectly facilitating the achievement of policies in the authority's local transport strategy.

Consultation

6. Consultation, in accordance with statutory requirements, was carried out. All responses were supportive.

Financial Effects

7. These SSIs will have no financial effect on the Scottish Executive.