

*Status: Point in time view as at 04/12/2023.*

*Changes to legislation: Transport (Scotland) Act 2001, Cross Heading: Franchising frameworks and franchise agreements is up to date with all changes known to be in force on or before 17 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*



# Transport (Scotland) Act 2001

## 2001 asp 2

### PART 2

#### BUS SERVICES

#### [<sup>F1</sup>CHAPTER 2]

#### [<sup>F1</sup>LOCAL SERVICES FRANCHISES]

#### *[<sup>F1</sup>Franchising frameworks and franchise agreements]*

#### Textual Amendments

**F1** Pt. 2 Ch. 2 substituted for ss. 13-27 and cross-heading (4.12.2023) by [Transport \(Scotland\) Act 2019](#) (asp 17), **ss. 38(2), 130(2)** (with s. 126); S.S.I. 2023/250, sch.

#### <sup>F1</sup>13 **Quality contract schemes**

.....

#### [<sup>F1</sup>13A **Franchising frameworks and franchise agreements**

- (1) A local transport authority may make a franchising framework covering the whole or any part of their area.
- (2) To make a franchising framework a local transport authority must comply with the process set out in section 13C (and the requirements of the sections listed in that section).
- (3) A franchising framework is a framework under which—
  - (a) local services (other than those exempted from the framework by virtue of section 13D(2)) may be provided in the area to which the framework relates only under a franchise agreement, and
  - (b) the local transport authority determine—

---

*Status: Point in time view as at 04/12/2023.*

*Changes to legislation: Transport (Scotland) Act 2001, Cross Heading: Franchising frameworks and franchise agreements is up to date with all changes known to be in force on or before 17 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

- (i) what local services are to be provided in the area to which the framework relates,
  - (ii) the standards to which the services are to be provided, and
  - (iii) any additional facilities or services that are to be provided in the area to which the framework relates.
- (4) In this Part, “franchise agreement”, in relation to a franchising framework, means an agreement under which—
- (a) the local transport authority grant to another person the exclusive right to operate the local services to which the agreement relates, and
  - (b) that person undertakes to provide those services on such terms (including in particular as to frequency, fares and standard of services) as may be specified in the agreement.
- (5) A franchise agreement may (but need not) include provision for—
- (a) the making of payments by the local transport authority to the person undertaking to provide the local service, or
  - (b) the making of payments by the person undertaking to provide the service to the authority.
- (6) A franchise agreement may include provision requiring one or more of the parties to provide additional facilities or services.
- (7) Section 88(1) of the 1985 Act (application to subsidy agreements of section 89 to 92 of that Act) does not apply in relation to franchise agreements.

### **13B Effects of franchising framework**

- (1) During any period when a franchising framework is in operation in relation to any local service included in the framework—
- (a) sections 6 to 9 of the 1985 Act (registration of local services) do not have effect in relation to the service, and
  - (b) no such service is to be provided other than under a franchise agreement.
- (2) Subsection (3) applies where, in relation to a franchising framework—
- (a) a local service is not included in the framework, and
  - (b) the service is not excluded from the framework (see section 13D(2)(a)).
- (3) The local service is not, during the period of operation of the franchising framework, to be provided in the area to which the framework relates.
- (4) Subsection (5) applies where, in relation to a franchising framework—
- (a) a local service is excluded from the framework, and
  - (b) conditions are specified as to when the exclusion is to apply (see section 13D(2)(b)).
- (5) The specified conditions are to be treated, during the period of operation of the franchising framework, as if they were prescribed particulars of the service concerned registered under section 6 of the 1985 Act.]

**Status:**

Point in time view as at 04/12/2023.

**Changes to legislation:**

Transport (Scotland) Act 2001, Cross Heading: Franchising frameworks and franchise agreements is up to date with all changes known to be in force on or before 17 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.