Transport (Scotland) Act 2001

2001 asp 2

PART 4

MISCELLANEOUS

Travel concession schemes

68 Travel concession schemes

(1) The Scottish Ministers may by order require such local transport authority as may be specified in the order, or two or more such authorities acting jointly, to make a scheme covering such area as may be specified in the order for the provision of travel concessions to eligible persons travelling on eligible services on eligible journeys (any such scheme being referred to in this section as a "travelconcession scheme").

(2) Any area specified in an order under subsection (1) above shall be the whole or any part of the area, or combined area, of the authority, or authorities, so specified.

(3) An order imposing a requirement on an authority, or two or more authorities, under subsection (1) above may include such provision as respects any scheme established by that authority, or those authorities, under section 93 of the 1985 Act, which covers the whole or part of the area specified in such order as the Scottish Ministers consider necessary or expedient in consequence of such order.

(4) A travel concession scheme made by virtue of subsection (1) above shall include such provision—

(a) as respects the rate of travel concession;

(b) as respects the days and times during which travel concessions shall be provided;

(c) requiring the authority, or authorities, to reimburse operators of eligible services for providing travel concessions under the scheme;

(d) as respects the enforcement of the scheme; and

(e) as respects such other matters relating to the content and operation of the scheme,

as may be specified in the order under that subsection.

Status: *Point in time view as at 10/10/2005.*
Changes to legislation: *Transport (Scotland) Act 2001, Part 4 is up to date with all changes known to be in force on or before 26 July 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)*

(5) A requirement such as is mentioned in paragraph (c) of subsection (4) above may, in particular, make provision—

(a) with respect to the determination by the authority, or authorities, of the amounts to be paid by them to individual operators, or to any class of operators, by way of reimbursement;

(b) as to the manner of making any payments due to operators by way of reimbursement;

(c) about the terms on which, and the extent to which, the authority, or authorities, may employ any person as their agent for the purpose of making payments due to operators by way of reimbursement and the descriptions of persons who may be so employed; and

(d) as to the publication and notification by authorities of proposed arrangements, or proposed variations of arrangements, in respect of reimbursement.

(6) An operator of eligible services who systematically fails to comply with an obligation imposed by a travel concession scheme on the operator for the provision of travel concessions under the scheme shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(7) In this section—

"eligible journey", in relation to a travel concession scheme, means a journey—

(a) between places in the area covered by the scheme;

(b) between such places and places outwith, but in the vicinity of, that area; or

(c) between places outwith, but in the vicinity of, that area;

"eligible person", in relation to a travel concession scheme, means a person who resides in the area covered by the scheme and—

(a) **[**[F1]has attained the age of 60 years;**]**

(b) suffers from a disability, or injury, of such description as the Scottish Ministers may by order specify; or

(c) is of such other description as the Scottish Ministers may by order specify;

"eligible service" means—

(a) a service, of a class specified in an order made by the Scottish Ministers, using a public service vehicle (within the meaning of the Public Passenger Vehicles Act 1981 (c.14));

(b) a transport service by water which carries passengers and operates regularly between two or more points both or all of which are in Scotland; and

(c) a service of such other description as the Scottish Ministers may by order specify; and

"travel concession", in relation to a journey, means—

(a) reduction of the fare (within the meaning of that Act of 1981) for the journey below the amount applicable to an adult who is not entitled to any reduction; or

(b) waiver of such fare.

Status: *Point in time view as at 10/10/2005.*
Changes to legislation: *Transport (Scotland) Act 2001, Part 4 is up to date with all changes known to be in force on or before 26 July 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)*

Textual Amendments

F1 Words in s. 68(7) substituted (1.4.2003) by Local Government in Scotland Act 2003 (asp 1), **ss. 44(2)**, 62(2); S.S.I. 2003/134, art. 2(1), Sch.

Bridges

69 Joint boards for management, maintenance etc. of certain bridges

(1) Where—

(a) a body other than a roads authority is under any enactment responsible for the management and maintenance of a bridge constructed in pursuance of powers conferred by, or by an order made under or confirmed by, any enactment (any such body being referred to in this section as a "relevant body"); and

(b) the functions of the relevant body relate solely to such a bridge,

the Scottish Ministers may by order dissolve the relevant body.

(2) An order under this section may—

(a) transfer to a joint board comprised of such local authorities as may be specified in the order (such authorities being referred to in this section as the "constituent authorities") such property, rights and liabilities of the relevant body to which the order relates as may be so specified;

(b) confer on such a joint board such functions in connection with the bridge as may be specified in the order;

(c) delegate to such a joint board such functions, relating to transport across the river spanned by the bridge, of the constituent authorities as may be specified in the order;

(d) make provision in connection with the transfer of staff employed by or for the purposes of such body;

(e) without prejudice to the generality of paragraph (d) above, make provision regarding liability for the payment of any pensions, allowances or gratuities which would otherwise have been the responsibility of such body; and

(f) make such provision amending, repealing or revoking enactments as appears to the Scottish Ministers to be necessary or expedient.

(3) A joint board constituted by order under this section—

(a) shall be deemed for all purposes to be a joint board within the meaning of the Local Government (Scotland) Act 1973 (c.65) constituted under that Act; and

(b) shall be deemed for the purposes of Part 3 of this Act to be a local traffic authority in relation to any road carried by the bridge.

(4) For the purposes of this section—

"enactment" includes a local and personal or private Act;

"river" includes estuary; and

"roads authority" has the meaning given by section 151(1) of the Roads (Scotland) Act 1984 (c.54).

Status: *Point in time view as at 10/10/2005.*
Changes to legislation: *Transport (Scotland) Act 2001, Part 4 is up to date with all changes known to be in force on or before 26 July 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)*

Grants for transport-related purposes

70 Grants for transport-related purposes

(1) The Scottish Ministers may make grants **[**[F2]or loans**]** to any persons for any purposes relating to transport.

(2) Grants **[**[F3]and loans**]** under this section shall be of such **[**[F4]amounts**]** and subject to such conditions (including **[**[F5], in the case of grants,**]** conditions requiring their repayment in specified circumstances) as the Scottish Ministers may determine.

(3) A determination under subsection (2) above may be made either generally or in relation to particular cases or classes of case.

(4) If in any financial year the power conferred by subsection (1) above is exercised, the Scottish Ministers shall, not later than three months after the end of the financial year, lay before the Scottish Parliament a report on grants **[**[F6]and loans**]** made under that subsection during that financial year; and any such report shall, in relation to each grant **[**[F7]or loan**]**, include details of—

(a) the amount of the grant **[**[F7]or loan**]**;

(b) the person to whom it has been paid; and

(c) the purpose for which it has been paid.

Textual Amendments

F2 Words in s. 70(1) inserted (10.10.2005) by Transport (Scotland) Act 2005 (asp 12), **ss. 45(4)**, 54(2); S.S.I. 2005/454, art. 2, Sch. 2

F3 Words in s. 70(2) inserted (10.10.2005) by Transport (Scotland) Act 2005 (asp 12), **ss. 45(5)(a)**, 54(2); S.S.I. 2005/454, art. 2, Sch. 2

F4 Word in s. 70(2) substituted (10.10.2005) by Transport (Scotland) Act 2005 (asp 12), **ss. 45(5)(b)**, 54(2); S.S.I. 2005/454, art. 2, Sch. 2

F5 Words in s. 70(2) inserted (10.10.2005) by Transport (Scotland) Act 2005 (asp 12), **ss. 45(5)(c)**, 54(2); S.S.I. 2005/454, art. 2, Sch. 2

F6 Words in s. 70(4) inserted (10.10.2005) by Transport (Scotland) Act 2005 (asp 12), **ss. 45(6)(a)**, 54(2); S.S.I. 2005/454, art. 2, Sch. 2

F7 Words in s. 70(4) inserted (10.10.2005) by Transport (Scotland) Act 2005 (asp 12), **ss. 45(6)(b)**, 54(2); S.S.I. 2005/454, art. 2, Sch. 2

Financial assistance: inland waterway and sea freight

71 Financial assistance for inland waterway and sea freight

(1) The Scottish Ministers may, if they are satisfied that it is in the public interest to do so, make grants or other payments for the purpose of securing orencouraging the carriage of goods by inland waterway or by sea rather than by road.

(2) Grants or payments under this section may in particular be made in respect of facilities for or in connection with the carriage of goods by inland waterway or by sea (including facilities for loading or unloading goods).

Status: *Point in time view as at 10/10/2005.*
Changes to legislation: *Transport (Scotland) Act 2001, Part 4 is up to date with all changes known to be in force on or before 26 July 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)*

(3) Grants or payments under this section shall be of such amount and subject to such conditions (including conditions requiring their repayment in specified circumstances) as the Scottish Ministers may determine.

(4) A determination under subsection (3) above may be made either generally or in relation to particular cases or classes of case.

(5) In this section "inland waterway" includes both a natural and an artificial inland waterway.

(6) Section 140 of the Railways Act 1993 (c.43) (grants to assist the provision of facilities for freight haulage by inland waterway) is repealed.

Disabled persons' transport needs: power to establish committee

72 Disabled persons' transport needs: power to establish committee

(1) The Scottish Ministers may by regulations establish a committee for the purposes of—
  (a) considering such matters relating to the needs of disabled persons in connection with transport as the committee think appropriate; and
  (b) giving such advice to the Scottish Ministers in relation to such matters as the committee think appropriate.

(2) Regulations under subsection (1) above may in particular make provision for or in connection with—
  (a) the membership of the committee;
  (b) the appointment and tenure of office of members of the committee;
  (c) the payment of remuneration and allowances to members of the committee; and
  (d) such other matters as the Scottish Ministers consider necessary or expedient for the purpose of enabling the committee to perform their functions.

Motor vehicles used by disabled persons

73 Badges for display on motor vehicles used by disabled persons: enforcement

In section 21 of the Chronically Sick and Disabled Persons Act 1970 (c.44) (badges for display on motor vehicles used by disabled persons)—
  (a) after subsection (4B) there shall be inserted—

"(4BA) Where there is displayed on any motor vehicle a badge which appears to a constable to be, or to purport to be, of a form prescribed under subsection (1) above, he may require—
  (a) any person who appears to the constable to be, or to have been, using the vehicle; or
  (b) any person in the vehicle (other than a person such as is mentioned in paragraph (a) above),

to produce the badge for examination

Status: *Point in time view as at 10/10/2005.*
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(4BB) A person who without reasonable excuse fails to produce a badge when required to do so under subsection (4BA) above shall be guilty of an offence.";

(b) in subsection (4C), after "(4B)" there shall be inserted " or (4BB) ";

(c) after subsection (7C) there shall be inserted—

"(7CA) The Scottish Ministers may by regulations make provision for or in connection with appeals from decisions of the Scottish Ministers under subsection (7C) above.";

(d) after subsection (7E) there shall be inserted—

"(7F) The Scottish Ministers may by regulations make such provision for or in connection with enabling badges—

(a) issued under such provision of the law of Northern Ireland as corresponds to this section; or

(b) issued by any member State other than the United Kingdom for purposes corresponding to the purposes for which badges under this section are issued,

to be treated for such purposes as may be specified in the regulations as if they were badges issued under this section.

(7G) Any regulations under subsections (7CA) and (7F) above shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of the Scottish Parliament.";

and

(e) after subsection (8) there shall be inserted—

"(8A) In subsection (4BA) above, "constable" has the same meaning as in the Police (Scotland) Act 1967 (c.77); but includes a traffic warden and a parking attendant.".

Commencement Information

I1 S. 73(a)(b)(e) in force at 1.1.2004 by S.S.I. 2003/588, **art. 2**

I2 S. 73 partly in force; s. 73 not in force at Royal Assent see s. 84(2); s. 73(c)(d) in force at 1.4.2001 by S.S.I. 2001/132, **art. 2 Sch.**

Home zones

74 Home zones

(1) A local traffic authority may, with a view to implementing measures for securing any of the purposes mentioned in subsection (2) below, designate as a home zone any road for which they are the traffic authority.

(2) The purposes mentioned in subsection (1) above are—

(a) to improve the safety of persons using the road or any area in the vicinity of the road;

(b) to improve or preserve the environment through which the road runs;

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(c) to improve the facilities provided on, or in the vicinity of, the road in such a way as to bring benefits to any persons using the road (not being persons using motor vehicles); and

(d) to any extent to implement their transport policies.

(3) Where a local traffic authority have, by virtue of subsection (1) above, designated a road they shall prepare and publish a report on the measures (if any) they have implemented for securing the purpose or purposes for which the designation was made.

(4) The Scottish Ministers may by regulations make provision for or in connection with—

(a) specifying the roads, or classes of road, that may be designated;

(b) the procedure to be followed when making, varying or revoking designations (including provision as to consultation);

(c) the confirmation of designations by them;

(d) the preparation of reports under subsection (3) above; and

(e) the times at which and manner in which such reports are to be published.

(5) In this section "transport policies", in relation to a local traffic authority, means the policies formulated from time to time under section 63(2)(b) of the 1985 Act by the local authority who are the local traffic authority.

Commencement Information

I3 S. 74 wholly in force 1.4.2002; s. 74 not in force at Royal Assent see s. 84(2); s. 74(4) in force at 1.4.2001 and s. 74(1)(2)(3)(5) in force at 1.4.2002 by S.S.I. 2001/132, **art. 2 Sch.**

Public rights of passage: redetermination orders

75 Amendment of Roads (Scotland) Act 1984

In section 152 of the Roads (Scotland) Act 1984 (c.54) (further provision as to interpretation and certain ancillary powers)—

(a) after subsection (3) there shall be inserted—

"(3A) Where an order under subsection (2) above states that it has effect only for such period not exceeding 18 months as is specified in the order, the order shall have effect during that period notwithstanding any failure to comply with—

(a) any regulations made under subsection (1) of section 71 of this Act; or

(b) subsection (2) of that section.

(3B) Subject to subsection (3C) below, an order which—

(a) has effect by virtue of subsection (3A) above; and

(b) makes the same provision in relation to the same right of public passage as was made in an order which has ceased to have effect,

may not have effect for a period which, when taken together with the period for which any order such as is mentioned in paragraph (b) above had effect, amounts to more than 18 months.

Status: *Point in time view as at 10/10/2005.*
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(3C) An order may have effect for a period which, when taken together with the period for which any order such as is mentioned in subsection (3B)(b) above had effect, amounts to more than 18 months only for the purpose of enabling the authority who made the order to take any steps necessary to seek to comply with—

(a) any regulations made under subsection (1) of section 71 of this Act; or

(b) subsection (2) of that section.";

and

(b) after subsection (4) there shall be added—

"(5) Where—

(a) during the period when an order under subsection (2) above has effect by virtue of subsection (3A) above, the authority carry out any works necessary for giving effect to the order (including any works carried out by virtue of subsection (4) above); and

(b) on the order ceasing to have effect, no further order under subsection (2) above making the same provision in relation to the same right of public passage has effect,

the authority who made the order shall carry out any works necessary to reinstate the conditions pertaining before such works were carried out.".

Road safety information and training: subsidies

76 Amendment of Road Traffic Act 1988

In section 40 of the Road Traffic Act 1988 (c.52) (power to subsidise certain authorities and bodies for giving road safety information and training)—

(a) the words "authorities or bodies other than" are repealed; and

(b) at the end there shall be inserted " or by other authorities or bodies ".

School crossing patrols

77 Patrolling school crossings

(1) The Road Traffic Regulation Act 1984 (c.27) shall be amended as follows.

(2) In section 26(1) (arrangements for patrolling places where children cross roads during certain periods) the words "during periods between the hours of eight in the morning and half-past five in the afternoon when children are so on their way," are repealed.

(3) After section 26(1) there shall be inserted—

"(1A) Arrangements under subsection (1) above may be made for patrolling places at such times as the appropriate authority think fit.".

(4) In section 28(1) (power to stop vehicles at school crossings)—

Status: *Point in time view as at 10/10/2005.*
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(a) the words "between the hours of eight in the morning and half-past five in the afternoon" are repealed; and

(b) for the words "children on their way to or from school, or from one part of a school to another, are" there shall be substituted " a person is ".

(5) In section 28(2)(a) (duty to stop vehicle before reaching place where children are crossing) for the words—

(a) "children are" there shall be substituted " person is "; and

(b) "their" there shall be substituted " his ".

(6) In section 28(5)—

(a) paragraph (c) (presumption that children were on their way to school etc.); and

(b) the word "and" immediately preceding it,

are repealed.

Bicycle and motor cycle stands

78 Stands etc. for bicycles and motor cycles

(1) The Road Traffic Regulation Act 1984 (c.27) shall be amended as follows.

(2) In section 63 (power of authorities to provide stands for racks for bicycles) for "and racks for bicycles" there shall be substituted " or racks for, or devices for securing, bicycles or motor cycles ".

(3) In section 136(4) (meaning of "motor cycle") for the words "section 57" there shall be substituted " sections 57 and 63 ".

Status:
Point in time view as at 10/10/2005.

Changes to legislation:
Transport (Scotland) Act 2001, Part 4 is up to date with all changes known to be in force on or before 26 July 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.