

**Changes to legislation:** Transport (Scotland) Act 2001, PART 1 is up to date with all changes known to be in force on or before 10 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) View outstanding changes

## SCHEDULE A1

### BUS SERVICES IMPROVEMENT PARTNERSHIP PLANS AND SCHEMES: PROCEDURES

#### Textual Amendments

- F1** Sch. A1 inserted (4.12.2023) by Transport (Scotland) Act 2019 (asp 17), ss. 36(2), 130(2) (with s. 126); S.S.I. 2023/250, sch.

## PART 1

### MAKING

#### *Meaning of partnership proposal*

- 1 For the purposes of this Part—
- (a) a reference to a partnership proposal is a reference to a proposal by a local transport authority to make—
    - (i) a partnership plan and scheme (or schemes), or
    - (ii) a partnership scheme (or schemes) in relation to an existing partnership plan,
  - (b) a reference to the area of a partnership proposal is—
    - (i) in a case where the proposal is to make a partnership plan and scheme, a reference to the area to which the proposed plan relates,
    - (ii) in a case where the proposal is to make a new scheme in relation to an existing plan, a reference to the area to which that plan relates.

#### *Preliminary notice*

- 2 Where a local transport authority intend to prepare a partnership proposal, they must give notice of their intention in such manner as they consider appropriate for bringing the notice to the attention of persons in their area.

#### *Preparation*

- 3 After giving notice under paragraph 2, the local transport authority must—
- (a) invite every person who is an operator of a qualifying local service in the area to which the partnership proposal relates (including those who, for whatever reason, become such an operator during the period when the proposal is being prepared) to participate in the preparation of the partnership proposal, and
  - (b) in collaboration with such invited persons as wish to participate, prepare the partnership proposal for consultation.

#### *Notice of proposal and period for objections*

- 4 (1) The local transport authority must give notice of the partnership proposal prepared under paragraph 3 to persons who, on the relevant day, are operators of qualifying local services in the area of the partnership proposal.
- (2) A notice under this paragraph must—

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- (a) contain full details of the partnership proposal,
  - (b) contain a statement advising of the effect of paragraph 5,
  - (c) state the period within which objections may be made (which may not be less than 28 days).
- (3) In this paragraph, “the relevant day”, in relation to a partnership proposal, means the day before the day on which the local transport authority send out notices in accordance with sub-paragraph (1).

*Effect of objections*

- 5 (1) The local transport authority may not progress the partnership proposal and, in particular, may not consult under paragraph 6 if, within the period for objections—
- (a) in a case where the partnership proposal is a proposal to make a partnership plan and scheme (or schemes)—
    - (i) a sufficient number of the persons who are operators of qualifying local services in the area of the partnership proposal object to it being made, or
    - (ii) a sufficient number of the persons who are operators of qualifying local services in the area of the scheme object to it being made, or
  - (b) in a case where the partnership proposal is a proposal to make a scheme (or schemes) in relation to an existing plan, a sufficient number of the persons who are operators of qualifying local services in the area of the scheme object to it being made.
- (2) If the partnership proposal is a proposal to make two or more schemes at the same time, paragraphs (a)(ii) and (b) of sub-paragraph (1) have effect as if references to the scheme were references to the scheme in question.

*Notice of, and consultation on, partnership proposal*

- 6 (1) This paragraph applies where, following the period for objections under paragraph 5, a local transport authority are not prevented from consulting.
- (2) The local transport authority must give notice of the partnership proposal in such manner as they consider appropriate for bringing the notice to the attention of persons in their area.
- (3) A notice under sub-paragraph (2) must—
- (a) contain full details of the partnership proposal, or
  - (b) state where such details may be inspected.
- (4) After giving the notice, the local transport authority must consult—
- (a) all operators of local services who, in the opinion of the authority, are likely to be affected by the partnership proposal,
  - (b) such organisations appearing to the authority to be representative of users of local services as they think fit,
  - (c) any other local transport authority or Transport Partnership that the authority consider may be affected by the partnership proposal,
  - (d) the traffic commissioner,
  - (e) the chief constable of the Police Service of Scotland,
  - (f) the Competition and Markets Authority, and

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- (g) such other persons as the authority think fit.

*Modifications of partnership proposal*

- 7 (1) This section applies where, following consultation under paragraph 6, a local transport authority consider it appropriate to modify the partnership proposal.
- (2) The local transport authority must give notice of the partnership proposal as modified to persons who, on the relevant day, are operators of qualifying local services in the area to which the partnership proposal as modified relates.
- (3) The notice under sub-paragraph (2) must—
- (a) contain full details of the partnership proposal as modified,
  - (b) contain a statement advising of the effect of sub-paragraph (4),
  - (c) state the period within which objections may be made (which may not be less than 28 days).
- (4) The local transport authority may not make the partnership proposal (as modified) if, within the period for making objections—
- (a) in a case where the partnership proposal is a proposal to make a partnership plan and scheme (or schemes)—
    - (i) a sufficient number of the persons who are operators of qualifying local services in the area of the partnership proposal object to it being made,
    - (ii) a sufficient number of the persons who are operators of qualifying local services in the area of the scheme object to it being made, or
  - (b) in a case where the partnership proposal is a proposal to make a scheme (or schemes) in relation to an existing plan, a sufficient number of the persons who are operators of qualifying local services in the area of the scheme object to it being made.
- (5) If the partnership proposal (as modified) relates to the making of two or more schemes at the same time, paragraphs (a)(ii) and (b) of sub-paragraph (4) have effect as if the references to the scheme were references to the scheme in question.
- (6) In this paragraph, “the relevant day”, in relation to a partnership proposal which has been modified, means the day before the day on which the local transport authority send out notices relating to the proposal in accordance with sub-paragraph (2).

*Making of partnership plan or scheme and giving notice to that effect*

- 8 (1) This paragraph applies where a local transport authority—
- (a) have consulted on a partnership proposal,
  - (b) if applicable, are not prevented from making the partnership proposal as modified under paragraph 7, and
  - (c) decide to make the partnership proposal (or the proposal as modified).
- (2) The local transport authority may proceed to make the partnership plan and schemes (or schemes) or, as the case may be, scheme (or schemes) relating to an existing plan contained in the partnership proposal.
- (3) But the making of the scheme does not have effect unless, within the period of 14 days beginning with the day after the day on which the local transport authority made

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the partnership plan and scheme (or schemes) or, as the case may be, scheme (or schemes) relating to an existing plan, the authority give notice of the partnership proposal having been made to—

- (a) all operators of local services who, in the opinion of the authority, are likely to be affected by it having been made,
- (b) such organisations appearing to the authority to be representative of users of local services as they think fit,
- (c) any other local transport authority or Transport Partnership that the authority consider may be affected by the partnership proposal being made,
- (d) the traffic commissioner,
- (e) the chief constable of the Police Service of Scotland,
- (f) the Competition and Markets Authority, and
- (g) such other persons as the authority think fit.

(4) The notice must—

- (a) contain full details of the partnership plan and scheme or, as the case may be, the scheme, that has been made, or
- (b) state where such details may be inspected.

*Consulting on postponing the coming into operation of partnership scheme*

- 9 Where a local transport authority propose to postpone the coming into operation of a partnership scheme (or any part of it), before making a decision on whether or not to do so, they must consult all operators of local services who are, in their opinion, likely to be affected by the postponement.

*Postponing the coming into operation of partnership scheme and giving notice*

- 10 (1) This paragraph applies where a local transport authority—
- (a) have consulted on postponing the coming into operation of a partnership scheme (or any part of it), and
  - (b) have decided to postpone the scheme (or any part of it).
- (2) The local transport authority may proceed to postpone the coming into operation of the partnership scheme (or any part of it).
- (3) But the postponement does not have effect unless, within the period of 14 days beginning with the day after the day on which the local transport authority decide to postpone the coming into operation of the partnership scheme (or any part of it), the authority—
- (a) publicise their decision in a manner they consider likely to bring the postponement to the attention of persons likely to be affected by the postponement, and
  - (b) give notice of their decision to—
    - (i) any operator of a local service who is, in the opinion of the authority, likely to be affected by the postponement, and
    - (ii) the traffic commissioner.
- (4) The notice must include a statement of the local transport authority's reasons for deciding to postpone the coming into operation of the partnership scheme (or any part of it).]

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 2 Ch. 3 applied in part by [2019 asp 17 s. 47\(1\)\(2\)](#)
- Pt. 2 Ch. 3 inserted by [2019 asp 17 s. 41\(2\)](#)
- Pt. 2 Ch. 4 heading inserted by [2019 asp 17 sch. para. 3\(2\)](#)
- s. 27B and cross-heading inserted by [2019 asp 17 s. 42\(2\)](#)
- s. 29(3A)-(3C) inserted by [2019 asp 17 s. 44\(2\)\(a\)](#)
- s. 29(7)(8) inserted by [2019 asp 17 s. 44\(2\)\(c\)](#)
- s. 30(3)(ca)-(cc) inserted by [2019 asp 17 s. 44\(3\)\(b\)](#)
- s. 31(1A) inserted by [2019 asp 17 s. 44\(4\)\(a\)](#)
- s. 31(3)(ca) inserted by [2019 asp 17 s. 44\(4\)\(b\)\(iii\)](#)
- s. 31(5)-(7) inserted by [2019 asp 17 s. 44\(4\)\(d\)](#)
- s. 32A inserted by [2019 asp 17 s. 45\(2\)](#)
- s. 32B and cross-heading inserted by [2019 asp 17 s. 46\(2\)](#)
- s. 35A inserted by [2019 asp 17 s. 40\(2\)](#)
- s. 39(1)(ca) inserted by [2019 asp 17 s. 40\(3\)](#)
- s. 79(1)(ca) inserted by [2019 asp 17 s. 48\(2\)\(b\)](#)