

TRANSPORT (SCOTLAND) ACT 2005

EXPLANATORY NOTES

SCHEDULES

Schedule 1 Further provision about regional Transport Partnerships

133. [Schedule 1](#) applies various requirements and gives various administrative functions to Transport Partnerships to enable them to operate effectively. They will have some of the characteristics of local authorities and these provisions bring the Transport Partnerships into line with certain requirements of local government legislation.
134. [Paragraphs 1 to 5](#) apply to Transport Partnerships the rules on the appointment etc of staff that apply to local authorities. Paragraph 1 requires the Transport Partnerships to appoint staff to exercise their functions. Paragraph 2 empowers a Transport Partnership to indemnify its employees. Paragraph 3 applies to Transport Partnerships similar provision for security of money entrusted to their employees as it is already available to local authorities. Paragraph 4 requires employees of the Transport Partnerships to declare potential conflicts of interest. Paragraph 5 makes it an offence for any employee of a Transport Partnership to receive, through the exercise of their duties, any payment or reward other than remuneration and expenses due to them under their contract of employment. This offence is based on the one already applying to local government employees.
135. [Paragraph 6](#) confers on the Transport Partnerships certain powers related to the acquisition by agreement, compulsory purchase, and development of land. These are based on the powers already available to local authorities and may only be exercised by a Transport Partnership in the exercise of its transport functions.
136. [Paragraph 7](#) gives Transport Partnerships an additional power to develop land which they had previously acquired under paragraph 6 but no longer need to fulfil the purposes for which it was originally acquired. Whereas the provision at paragraph 6(5) only enables Transport Partnerships to develop land for the purposes of its transport functions, the provisions of paragraph 7 are not so restricted. However, land so developed must be for the use of persons other than the Transport Partnership and the development must be with a view to disposal of the land. Paragraph 8 ensures that the development functions conferred on Transport Partnerships by paragraph 7 cannot be regarded as a function for the purposes of paragraphs 6 and 7 – otherwise this would give Transport Partnerships wide-ranging powers to buy, sell and develop land unrelated to their transport functions.
137. [Paragraph 9](#) confers on the Transport Partnerships the powers to dispose of land that are already available to local authorities.
138. [Paragraph 10](#) provides that Transport Partnerships may promote or oppose private legislation in the Scottish Parliament. Sub-paragraphs (2) and (3) provide circumstances where a Transport Partnership can assume responsibility for the promotion or opposition of private legislation that was previously initiated by another body because the transport functions of that body were transferred either to the Transport Partnership

*These notes relate to the Transport (Scotland) Act 2005
(asp 12) which received Royal Assent on 5 August 2005*

or the Scottish Ministers and the latter has then directed the Transport Partnership to continue the promotion or opposition of the private legislation.

139. [Paragraph 11](#) requires Transport Partnerships to participate in community planning in the same way as various other public bodies.
140. [Paragraph 12](#) ensures that Transport Partnerships have similar powers to councils to create companies, much in the same manner as, for example, that City of Edinburgh Council created *tie* (transport initiatives edinburgh).
141. [Paragraph 13](#) applies various miscellaneous local authority responsibilities to Transport Partnerships. These concern, in particular, provisions on legal proceedings. Sub-paragraph 2 requires each partnership to appoint one of its employees as its proper officer, in line with the existing requirement on local authorities. This post-holder is required for the purposes of legal proceedings.
142. [Paragraph 14](#) requires Transport Partnerships to prepare, publish and give to the Scottish Ministers, an annual report on the performance of its functions. It also requires Transport Partnerships to give to the Scottish Ministers, on request, any information about the performance of their functions.
143. [Paragraph 15](#) applies to Transport Partnerships certain of the rules governing finance that already apply to local authorities. Paragraph 11(2) adds Transport Partnerships to the list of bodies to which Part VII (Finance) of the Local Government (Scotland) Act 1973 applies. One consequence of this is that section 14 of the Local Government in Scotland Act 2003 applies Part 1 of that Act to those bodies to which Part VII of the 1973 Act applies. So the provisions of part 1 of the 2003 Act apply to Transport Partnerships: these include, notably, the duty to secure best value (sections 1 and 2).
144. [Paragraph 16](#) applies to Transport Partnerships various rules governing the entering into of contracts. These rules already apply to local authorities.
145. [Paragraph 17](#) amends the Ethical Standards in Public Life etc (Scotland) Act 2000 to add the Transport Partnerships to the list of devolved public bodies for which they are to be codes of conduct for their members.
146. [Paragraph 18](#) enables Transport Partnerships to reimburse observers their expenses.
147. [Paragraph 19](#) amends the Scottish Public Services Ombudsman Act 2002 to include Transport Partnerships in the list of bodies that the Ombudsman can investigate.
148. [Paragraph 16](#) amends the Freedom of Information (Scotland) Act 2002 so as to apply to Transport Partnerships the duty on public authorities to disclose information.