



Transport (Scotland) Act 2005

2005 asp 12

PART 1 **S**

REGIONAL TRANSPORT

CHAPTER 1 **S**

REGIONAL TRANSPORT PARTNERSHIPS

Establishment etc.

1 Establishment of regional Transport Partnerships **S**

- (1) The Scottish Ministers shall, by order—
 - (a) divide Scotland into regions for the purposes of this Part of this Act;
 - (b) create, for each region, a body corporate (to be known as the Transport Partnership with the addition of the name given, by or under the order, to the region);
 - (c) provide as to the constitution and membership of each Transport Partnership.
- (2) In carrying out the duty under subsection (1)(c) above, the Scottish Ministers—
 - (a) shall secure that the total number of councillor members of a Transport Partnership is not more than 20;
 - (b) shall secure that the membership of a Transport Partnership includes one or more (but not more than five) councillors appointed by and from—
 - (i) each council the area or any part of the area of which falls within the Transport Partnership's region; or
 - (ii) if that region is coterminous with a council's area, that council, (each such member of the Transport Partnership being a “councillor member” and each such council or, as the case may be, that council being, in relation to the Transport Partnership, a or the “constituent council”);
 - (c) shall secure—

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- (i) that during the period ending with the event specified in subsection (3) below, the other members of the Transport Partnership are appointed to it by the Scottish Ministers; and
 - (ii) that afterwards each such member is appointed by the Partnership but subject to the consent of the Scottish Ministers;
 - (d) shall provide as to the duration and termination of membership of members of the Transport Partnership;
 - (e) shall provide as to the determination of questions for decision by the Transport Partnership; and for the purposes of any decision which is to be determined by a vote—
 - (i) shall provide that councillor members may vote on all matters and other members only on such matters as the Transport Partnership determines are appropriate (but not on a question arising under section 3(2)(a) below or on whether to make a request for the making of an order under section 10(1) below);
 - (ii) shall, subject to subsection (4) below, provide as to weightings to be applied to the votes cast by councillor members; and may in so doing provide as to different weightings to be applied to the votes cast by different councillor members;
 - (iii) shall secure, whether in providing as to the weighting of votes of councillor members in accordance with sub-paragraph (ii) above or in providing for the number of other members, or in a combination of both, that the minimum voting capacity of all the councillor members of the Partnership is not less than two-thirds of that of its whole membership;
 - (f) may provide that certain of the offices of the Transport Partnership may be held only by councillor members;
 - (g) may provide that councillor members (but only councillor members) may be represented and vote by proxies at meetings of the Transport Partnership;
 - (h) may provide for the delegation by the Transport Partnership of any of its functions to any committee established by the Partnership;
 - (i) may provide for the appointment by each of—
 - (i) the Transport Partnership; and
 - (ii) the Scottish Ministers,
 of one or more observers, that is to say, persons who may (to such extent as may be specified in or provided for in the order) participate in proceedings of the Partnership but who may not hold office in it or participate in its decisions;
 - (j) may provide for the payment by a Transport Partnership of—
 - (i) remuneration to its members or some of them;
 - (ii) reimbursement of its members' expenses.
- (3) The event referred to in subsection (2)(c) above is the holding of the poll at ordinary elections for councillors in 2007.
- (4) For the purpose of subsection (2)(e)(ii) above, a vote shall be weighted by making it count as one, two, three or four votes.

Commencement Information

II S. 1 in force at 14.9.2005 by S.S.I. 2005/454, art. 2, Sch. 1

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2 Dissolution of regional Transport Partnerships **S**

- (1) The Scottish Ministers may, by order, dissolve any one or more Transport Partnerships or all of them.
- (2) On dissolving a Transport Partnership, the Scottish Ministers may, by order, provide for any function of the Partnership to be carried out by the person who carried it out immediately before the coming into effect of—
 - (a) the order under section 10 below which transferred it to the Partnership; or
 - (b) if there have been two or more orders under that section transferring that function, the first of those orders.
- (3) Before making an order under this section, the Scottish Ministers shall consult—
 - (a) the Transport Partnership or Partnerships to be dissolved;
 - (b) its or their constituent councils or council; and
 - (c) such other persons as the Scottish Ministers think fit.
- (4) An order under this section may modify any enactment.

Commencement Information

I2 [S. 2](#) in force at 10.10.2005 by [S.S.I. 2005/454](#), art. 2, [Sch. 2](#)

Changes to legislation:

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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):

- s. 18A-18F inserted by [2019 asp 17 s. 110\(2\)](#)
- sch. 2 para. 3(2)(3) inserted by [2019 asp 17 s. 110\(4\)\(b\)](#)
- sch. 2 para. 3(1) sch. 2 para. 3 renumbered as sch. 3 para. 3(1) by [2019 asp 17 s. 110\(4\)\(a\)](#)

Commencement Orders yet to be applied to the Transport (Scotland) Act 2005

Commencement Orders bringing provisions within this Act into force:

- [S.S.I. 2008/90 art. 2](#) amendment to earlier commencing [SSI 2008/15 art. 3](#)