

SCHEDULE
MINOR AND CONSEQUENTIAL AMENDMENTS AND REPEALS

PART 1

BUS SERVICES

Road Traffic Regulation Act 1984

- 1 (1) The Road Traffic Regulation Act 1984 is amended as follows.
- (2) In section 1 (traffic regulation orders), for subsection (3A) substitute—
 - “(3A) A local traffic authority may make a traffic regulation order in respect of a road in relation to which the Scottish Ministers are the traffic authority if—
 - (a) the order is required for the provision of facilities or the taking of a measure pursuant to a scheme implementing a bus services improvement partnership plan made by the authority under Part 2 of the Transport (Scotland) Act 2001, and
 - (b) the consent of the Scottish Ministers is obtained.”.
- (3) In schedule 9 (variation or revocation of certain traffic regulation orders), in paragraph 27(3), for the words from “pursuant” to “scheme” substitute “or the taking of a measure pursuant to a scheme implementing a bus services improvement partnership”.

Transport Act 1985

- 2 (1) The Transport Act 1985 is amended as follows.
- (2) In section 63(5) (power of local authority to enter into agreement for service subsidies), in paragraph (aa)(ii), for “to the standard specified in a quality partnership scheme made under section 6” substitute “in compliance with a service standard imposed in a bus services improvement partnership scheme made under section 3B”.
- (3) In section 135 (procedure for making regulations etc.)—
 - (a) after subsection (1) insert—
 - “(1A) But section 61(2) of the 1981 Act (consultation with representative organisations) does not apply to regulations made under sections 6ZA(2) or (5), 6ZB(2) or 6ZC(1) of this Act.”.
 - (b) in subsection (3), for “subsection (4)” substitute “subsections (4) and (4A)”,
 - (c) after subsection (4) insert—
 - “(4A) Regulations under section 6ZC(1), which make provision of the type mentioned in paragraph (d) of that section, are subject to the affirmative procedure.”.

Transport (Scotland) Act 2001

- 3 (1) The Transport (Scotland) Act 2001 is amended as follows.
- (2) After section 32B (as inserted by section 46 of this Act), insert—

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Other matters”.

- (3) In section 37 (competition test)—
- (a) in subsection (1)(a), for “quality partnership schemes” substitute “partnership schemes”,
 - (b) in subsection (2)(a)—
 - (i) for “quality partnership scheme” substitute “partnership scheme”,
 - (ii) for “section 5(1)” substitute “paragraph 6(2) or, as the case may be, 14(1) of schedule A1”.
- (4) In section 39 (penalties)—
- (a) in subsection (1)(b), for “8(4) or 22(1)(b) or (2)” substitute “3F(1) or 13B(1)(b) or (3)”
 - (b) after subsection (1)(b) insert—
 - “(ba) failed to comply with a requirement to provide information (including a requirement to provide it within a specified time or in a specified form) under section 3JA(2) or 13QA(2),”.
- (5) In section 47 (co-operation)—
- (a) in subsection (1)—
 - (i) for “quality partnership scheme,” substitute “partnership scheme”,
 - (ii) for “quality contract scheme” substitute “or franchising framework”,
 - (iii) for “scheme” where it fourth occurs substitute “scheme or framework”,
 - (b) in subsection (3)(a)—
 - (i) for “quality partnership schemes,” substitute “partnership schemes”,
 - (ii) for “quality contract schemes” substitute “ and franchising frameworks”.
- (6) In section 48 (interpretation of Part 2)—
- (a) in subsection (1)—
 - (i) at the beginning insert “Subject to subsection (1A)”
 - (ii) the definition of “operational date” is repealed
 - (iii) at the appropriate place insert—
 - ““operational service standard” is to be construed in accordance with section 3C(1)(b),”
 - (iv) the definition of “quality contract” is repealed
 - (v) in the definition of “relevant general policies”, in paragraph (a)(ii)—
 - (A) after “relate to” insert “providing services of the kind mentioned in section 2A(1) of this Act or”,
 - (B) for “a quality partnership scheme or a quality contract scheme” substitute “a partnership scheme or a franchising framework”,
 - (vi) at the appropriate place insert—
 - ““route service standard” is to be construed in accordance with section 3C(1)(a),”

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- (vii) the definitions of “specified facilities” and “specified standard” are repealed,
- (viii) at the appropriate place insert—
 - ““Transport Partnership” means a Transport Partnership created by order under section 1 the Transport (Scotland) Act 2005.”.
- (b) after subsection (1) insert—
 - “(1A) The definition of “traffic regulation order” in subsection (1) does not apply for the purposes of chapter 1 of this Part.”.
- (7) In section 79 (guidance)—
 - (a) in subsection (1)(c)—
 - (i) for “quality partnership schemes” substitute “partnership schemes”,
 - (ii) for “quality contract schemes” substitute “franchising frameworks”,
 - (b) in subsection (2), after “section” where it first occurs insert “or any other section”.
- (8) In section 81 (regulations and orders)—
 - (a) in subsection (4)(a), the words “14(6), 18(2)(b)” are repealed,
 - (b) in subsection (4)(b), for “41(1) of this Act” substitute “3G(4), 3H(7), 13M(5), 13Q(4) or 41(1) or paragraph 26 of schedule A1”,
 - (c) after subsection (4)(b) insert—
 - “(c) regulations under section 3L(2)(c) which make provision about what may constitute a facility or measure,”.
- (9) In section 82 (interpretation of Act)—
 - (a) in subsection (1)—
 - (i) at the appropriate place insert—
 - ““franchising framework” is to be construed in accordance with section 13A of this Act,”,
 - (ii) the definition of “quality contract scheme” is repealed,
 - (iii) for the definition of “quality partnership scheme” substitute—
 - ““partnership scheme” is to be construed in accordance with section 3B of this Act,”,
 - (iv) at the appropriate place insert—
 - ““stopping place” has the same meaning as in the 1985 Act”,
 - (b) in subsection (2), the following words are repealed—
 - “section 3(3)(a);
 - section 6(2)(a) and (4)(a);
 - section 8(1) and (2);
 - section 10;
 - section 13(6) and (7);
 - section 18;
 - section 19;
 - section 24;”.

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Transport (Scotland) Act 2005

- 4 (1) The Transport (Scotland) Act 2005 is amended as follows.
- (2) In section 10(5)—
- (a) before paragraph (a) insert—
 - “(za) providing services for the carriage of passengers by road using vehicles that require a PSV operator’s licence to do so,”
 - (b) for paragraph (a) substitute—
 - “(a) making and implementing bus services improvement partnership plans,”
 - (c) in paragraph (b), for “quality contract schemes” substitute “franchising frameworks”.