



# Transport (Scotland) Act 2019

## 2019 asp 17

### PART 3

#### BUS SERVICES

##### *Bus services improvement partnerships*

#### **37 Registration of local services and functions of traffic commissioner**

(1) The Transport Act 1985 Act is amended as follows.

(2) In section 6 (registration of local services)—

(a) after subsection (2) insert—

“(2ZA) Where—

- (a) a bus services improvement partnership scheme made under section 3B of the Transport (Scotland) Act 2001 is in operation,
- (b) a service is registered or a registration of a service is varied under this section, and
- (c) a service standard imposed under section 3B(3)(b) of the Transport (Scotland) Act 2001 applies to the service or the service as varied,

the service standard is to be recorded with the particulars of the service required to be registered under this section.”,

(b) after subsection (7) insert—

“(7ZA) Where a bus services improvement partnership scheme made under section 3B of the Transport (Scotland) Act 2001 is in operation, the registration of a service may also be cancelled under section 6L of this Act.”.

(3) After section 6J insert—

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*Status: Point in time view as at 04/12/2023.*

*Changes to legislation: There are currently no known outstanding effects for the Transport (Scotland) Act 2019, Section 37. (See end of Document for details)*

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### **“6K Application for registration where service standard has effect**

- (1) This section applies where—
  - (a) a bus services improvement partnership scheme made under section 3B of the Transport (Scotland) Act 2001 is in operation,
  - (b) a service standard imposed under section 3B(3)(b) of that Act has effect,
  - (c) an application for registration, or for variation of registration, is made under section 6 of this Act in respect of a local service to which that service standard would apply if the application were granted, and
  - (d) the application is one which would, but for this section, fall to be accepted.
- (2) A traffic commissioner must refuse the application if—
  - (a) the service standard is an operational service standard, and
  - (b) the traffic commissioner considers that the person who would be the operator of—
    - (i) the service proposed to be provided, or
    - (ii) the service as proposed to be varied,
 is unlikely to be able to comply with the service standard as regards that service.
- (3) In this section, “operational service standard” is to be construed in accordance with section 3C(1)(b) of the Transport (Scotland) Act 2001.

### **6L Cancellation of registration when operational service standards not met**

- (1) This section applies where—
  - (a) a bus services improvement partnership scheme made under section 3B of the Transport (Scotland) Act 2001 is in operation, and
  - (b) one or more service standards imposed under section 3B(3)(b) of that Act have effect.
- (2) If a traffic commissioner considers that—
  - (a) an operational service standard imposed by the scheme applies to a service registered under section 6, and
  - (b) the service is not being provided in accordance with that service standard,
 the traffic commissioner may cancel the registration of that service.
- (3) In this section, “operational service standard” is to be construed in accordance with section 3C(1)(b) of the Transport (Scotland) Act 2001.

### **6M Power to make regulations for appeals against service standards decisions**

- Regulations may make provision for or about appeals relating to any—
- (a) decision to record a service standard as a prescribed particular under section 6(2ZA),

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- (b) refusal of an application by virtue of section 6K(2),
- (c) cancellation of the registration of a service by virtue of section 6L(2),
- (d) decision to register a service that has a stopping place in the area to which the scheme relates, or
- (e) decision not to record a service standard in relation to such a service under section 6(2ZA).

### **6N Scrutiny of operation of bus services improvement partnership**

- (1) This section applies where—
  - (a) a bus services improvement partnership scheme made under section 3B of the 2001 Act (“the scheme”) is in operation, and
  - (b) it appears to a traffic commissioner that the local transport authority (or authorities) who made the scheme may not be complying with their obligations under it including, in particular, any duty arising under section 3F(2) or (3) of the 2001 Act.
- (2) The traffic commissioner may—
  - (a) investigate the actions of the local transport authority (or authorities) in relation to their compliance with their obligations under the scheme,
  - (b) require the authority (or authorities) to provide such information as the commissioner may specify for the purposes of the investigation.
- (3) A local transport authority may be required to provide the information before the end of such period as may be specified by the traffic commissioner when imposing the requirement.
- (4) Following an investigation under subsection (2), the traffic commissioner must prepare and publish a report—
  - (a) setting out whether or not the commissioner is satisfied that the local transport authority (or authorities) are complying with their obligations under the scheme, and
  - (b) if the commissioner is not satisfied that the authority (or authorities) are complying with their obligations, making such recommendations as the commissioner considers appropriate, including, in particular, recommendations that the authority (or authorities) take such remedial action as may be specified in the report.
- (5) Before publishing a report prepared under subsection (4), the commissioner must provide a copy of it to—
  - (a) the local transport authority (or authorities) who made the scheme, and
  - (b) each operator providing a local service with a stopping place in the area of the scheme.
- (6) Where, under section 3E of the 2001 Act, the Scottish Ministers acted jointly with a local transport authority (or authorities) to make the scheme, this section applies to the Scottish Ministers as it applies to the authority (or authorities).
- (7) In this section—

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“2001 Act” means the Transport (Scotland) Act 2001,  
“local transport authority” has the meaning given in section 82(1) of the  
2001 Act.”.

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**Commencement Information**

**II** [S. 37](#) in force at 4.12.2023 for specified purposes by [S.S.I. 2023/250](#), [sch.](#)

**Status:**

Point in time view as at 04/12/2023.

**Changes to legislation:**

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