



Transport (Scotland) Act 2005

2005 asp 12

PART 1

REGIONAL TRANSPORT

CHAPTER 1

REGIONAL TRANSPORT PARTNERSHIPS

Regional transport functions

10 Other transport functions of regional Transport Partnerships

- (1) The Scottish Ministers may, as respects a Transport Partnership, and by order, provide for any statutory function relating to transport they think fit, to be carried out by that Transport Partnership—
 - (a) instead of the person who, immediately before it was so provided, was responsible for carrying it out; or
 - (b) concurrently with that person.
- (2) In making an order under subsection (1) above after the coming into effect of the Transport Partnership's transport strategy, the Scottish Ministers shall have regard to that strategy.
- (3) The person referred to in subsection (1) above may be the Scottish Ministers.
- (4) The functions which may be the subject of an order under subsection (1) above may, without prejudice to the generality of that subsection, include any of the following—
 - (a) those conferred on local transport authorities by or under Part 2 of the Transport (Scotland) Act 2001 (asp 2) (bus services) and Part 3 of that Act (road user charging);
 - (b) those conferred by or under any enactment and which relate to the management and maintenance of a bridge constructed in pursuance of functions conferred by, or by an order made under or confirmed by, any enactment;

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Transport (Scotland) Act 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (c) those conferred on traffic authorities by sections 1 to 4 of the Road Traffic Regulation Act 1984 (c. 27) (traffic regulation orders) and on local traffic authorities by section 19 of that Act (regulation of use of roads by public service vehicles);
 - (d) those conferred on councils by sections 63 and 64 of the Transport Act 1985 (c. 67) (securing the provision of passenger transport and related consultation and publicity).
- (5) The following are examples of the functions which may be the subject of an order under this section—
- [^{F1}(za) providing services for the carriage of passengers by road using vehicles that require a PSV operator's licence to do so,]
 - [^{F2}(a) making and implementing bus services improvement partnership plans,]
 - (b) entering into [^{F3}franchising frameworks];
 - (c) entering into ticketing arrangements and ticketing schemes;
 - (d) providing information about bus services;
 - (e) installing bus lanes;
 - (f) providing subsidised bus services;
 - (g) making and implementing road user charging schemes;
 - (h) operating ferry services;
 - (i) managing tolled bridges;
 - (j) operating airports and air services;
 - (k) entering into public service contracts.
- (6) A Transport Partnership which proposes to request the making of an order under subsection (1) above shall, before doing so, consult its constituent councils or council on what the order might do.
- (7) In making such a request, a Transport Partnership shall have regard to any guidance given by the Scottish Ministers as to the form and content of such requests.
- (8) Before making an order under subsection (1) above, the Scottish Ministers shall consult—
- (a) except where the order will be made at its request, the Transport Partnership to which the order will relate;
 - (b) its constituent councils or council; and
 - (c) such other persons as the Scottish Ministers think fit.
- (9) An order under subsection (1) above may modify any enactment.

Textual Amendments

- F1** S. 10(5)(za) inserted (24.6.2022) by [Transport \(Scotland\) Act 2019 \(asp 17\)](#), s. 130(2), [sch. para. 4\(2\)\(a\)](#) (with s. 126); [S.S.I. 2022/204](#), reg. 2(b)
- F2** S. 10(5)(a) substituted (4.12.2023) by [Transport \(Scotland\) Act 2019 \(asp 17\)](#), s. 130(2), [sch. para. 4\(2\)\(b\)](#) (with s. 126); [S.S.I. 2023/250](#), sch.
- F3** Words in s. 10(5)(b) substituted (4.12.2023) by [Transport \(Scotland\) Act 2019 \(asp 17\)](#), s. 130(2), [sch. para. 4\(2\)\(c\)](#) (with s. 126); [S.S.I. 2023/250](#), sch.

Commencement Information

- I1** S. 10 in force at 10.10.2005 by [S.S.I. 2005/454](#), art. 2, [Sch. 2](#)

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Transport (Scotland) Act 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

11 Alteration of functions of regional Transport Partnerships

- (1) The Scottish Ministers may, by order, provide for any function of a Transport Partnership to be carried out by the person who originally carried it out—
 - (a) instead of the Transport Partnership; or
 - (b) concurrently with the Transport Partnership.
- (2) In so providing, the Scottish Ministers shall have regard to the Transport Partnership's transport strategy.
- (3) Subsections (6) to (9) of section 10 above apply to an order under this section as they apply to one made under that section.
- (4) In subsection (1) above, the reference to the person who originally carried out a function is a reference to the person who carried out the function immediately before the coming into effect of—
 - (a) the order under section 10 above which transferred it to the Transport Partnership; or
 - (b) if there have been two or more orders under that section transferring that function, the first of those orders.

Commencement Information

I2 S. 11 in force at 10.10.2005 by [S.S.I. 2005/454](#), art. 2, [Sch. 2](#)

12 Manner of performance of functions of regional Transport Partnerships

- (1) A Transport Partnership shall—
 - (a) carry out its functions so as to fulfil its transport strategy;
 - (b) in doing so—
 - (i) comply with any directions in that respect given to it or to Transport Partnerships generally by the Scottish Ministers; and
 - (ii) measure and monitor the achievement of the strategy.
- (2) Where a function of a Transport Partnership falls to be carried out before its transport strategy comes into effect, the Transport Partnership shall carry out the function in accordance with such directions as the Scottish Ministers may give it.

Commencement Information

I3 S. 12 in force at 10.10.2005 by [S.S.I. 2005/454](#), art. 2, [Sch. 2](#)

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Transport (Scotland) Act 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

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](#)