

TRANSPORT (SCOTLAND) ACT 2019

EXPLANATORY NOTES

THE ACT

Part 1- National Transport Strategy

Overview

Background

6. Part 1 of the Act introduces a statutory duty on the Scottish Ministers to establish a national transport strategy for Scotland. Through the strategy the Scottish Ministers must develop a vision for transport to, from and within Scotland. In developing that vision, the Scottish Ministers must take account of the need to seek to improve a number of outcomes related to individuals and to wider society.
7. The Act places consultation at the centre of the strategy's development by requiring the Scottish Ministers to consult with appropriate persons as well as the general public. Scottish Ministers are also required to publish a report outlining how the consultation process was undertaken and the ways in which consultation responses were incorporated as part of the strategy's preparation and development. The Act reflects an understanding that consultation is fundamental to the successful development and implementation of the strategy by ensuring that the views of those who will be affected by the strategy are taken into account and, accordingly, that the strategy reflects a collaborative development process.
8. The strategy is subject to ongoing review and reporting obligations to ensure that it remains valid and relevant to evolving transport needs. More widely, the strategy also creates the opportunity for alignment between the national approach, Regional Transport Partnerships' statutory transport strategies, discretionary local transport strategies and all other nationally significant policies.

Preparation of strategy

9. Section 1(1) places a requirement on the Scottish Ministers to prepare a national transport strategy. This statutory duty replaces the pre-existing discretionary position under which Scottish Ministers could choose to establish a national transport strategy, but were under no obligation to do so. The national transport strategy will seek to establish the strategic direction for transport in Scotland by functioning as the foundation from which future decision making on transport will be based.
10. Section 1(2)(a) recognises that transport in Scotland cannot be considered in isolation of wider UK and international developments. This provision reflects the interconnectivity of transport networks and as such requires Scottish Ministers to take account of transport not only within Scotland, but also transport to and from Scotland. Section 1(2)(c) further obliges the Scottish Ministers to outline as part of the strategy the policies they intend to pursue with a view to achieving their vision for transport.
11. Under section 1(3), the Scottish Ministers may include in the strategy any other information they consider appropriate. This provides essential flexibility, allowing Ministers to include information which is, for example, incidental to or not included

in the list of mandatory topics listed in section 1(2), but is nevertheless relevant and valuable in terms of inclusion within the strategy.

12. Section 1(4) requires the Scottish Ministers, in determining the content of the strategy, to have regard to fundamental outcomes and how these may be improved through advancements in transport accessibility, provision and operation in Scotland. This section recognises the role transport plays in improving living standards, sustainability and environmental standards, economic growth and opportunities to participate in higher education and employment.
13. Section 1(5) lists a number of outcomes that the Scottish Ministers must have specific regard to in determining the content of the national transport strategy under section 1(4). These include an individual's capacity to realise their human rights, health and wellbeing and the overall social, economic and environmental wellbeing of Scotland. This will include the wellbeing of elderly persons, the inclusion of persons with disabilities, inclusive economic growth, fair work, the reduction of poverty and inequality, access to further education, the sustainability of communities in rural areas, the sustainable and efficient use of resources, and the realisation of emission targets as established in the Climate Change (Scotland) Act 2009. The Scottish Ministers are obliged to consider how the national transport strategy can be formulated to improve the quality of lives across Scotland through improvements in mobility, inclusion, accessibility and sustainably achieved through an understanding of the relationship between effective transport networks and the prosperity of a population.

Consultation on strategy

14. Section 2(1) requires the Scottish Ministers to consult with any such persons they consider appropriate, as well as the general public, as part of the preparation of the strategy. This consultation requirement reflects recognition that there is wide public interest in transport in Scotland and accordingly, the views of members of the public directly affected by transport decisions must inform the development of the strategy. There is also wide stakeholder interest in transport including for example from transport operators, third sector organisations, and businesses. These views will also be taken into consideration as part of the preparation of the strategy.
15. Section 2(2) was drafted to take account of the consultation on the then existing draft non-statutory national transport strategy which closed for consultation responses on 23 October 2019. This subsection ensures that the national transport strategy, in its current form, satisfies section 2(1) retrospectively and therefore precludes any requirement arising for a further consultation on the same strategy to take place after section 2 comes into force.

Publication and laying of strategy

16. Section 3(1) requires the Scottish Ministers to publish the national transport strategy in such manner as they consider appropriate and lay a copy of this before Parliament. Ministers are therefore afforded a wide range of discretion as to how the national transport strategy is published.
17. Section 3(2)(a) and (b) requires the Scottish Ministers, as soon as practicable following the strategy's publication, to publish and lay before Parliament a report on the consultation undertaken in connection with the strategy. Section 3(2)(c) further requires Ministers to make a statement to the Scottish Parliament on the contents of the strategy, as soon as reasonably practicable following its publication.

Review of strategy

18. Section 4(1) requires the Scottish Ministers to keep the strategy under review and, if they consider appropriate, revise the strategy as required. This provision recognises that flexibility must be supported when establishing a long term strategy for the purposes of ensuring the necessary evolution of the strategy in anticipation of or in response to unforeseeable developments and the likely technological, societal, economic and political changes that may occur. Section 4(1) is therefore intended to ensure that the

*These notes relate to the Transport (Scotland) Act 2019
(asp 17) which received Royal Assent on 15 November 2019*

strategy remains fit for purpose, and the reporting obligations in section 5 will assist Ministers in evaluating the strategy's ongoing fitness for purpose.

19. In accordance with section 4(2), sections 1(2) to (5), 2(1), and 3 regarding the content, consultation, publication and laying of the strategy before Parliament apply to any process of revision under section 4(1).

Reporting on strategy

20. Section 5 sets out reporting duties placed on the Scottish Ministers in relation to the strategy. In accordance with section 5(1), the Scottish Ministers must publish a report outlining progress made toward realising the vision in the national transport strategy, as well as the specific steps taken to achieve this.
21. Section 5(3) requires a report to be prepared and published in respect of each reporting period. The reporting period is a period of 3 years from the date on which the first strategy is published and laid before Parliament and thereafter each subsequent 3 year period.