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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations appoint dates for the coming into force of certain provisions of the Transport (Scotland) Act 2019 (“the 2019 Act”).

Regulation 2 and the schedule bring into force the following provisions of the 2019 Act on 22 September 2023: section 58 but only for the purpose of making regulations under section 58(4)(b) and (5), section 59, section 66, section 125, section 126 and paragraph 7(2) of the schedule. Sections 120 and 121 of the 2019 Act are brought into force on 1 October 2023. These Regulations bring sections 35 and 36, 37 (but only for the purpose of making regulations under inserted section 6M of the Transport Act 1985), 38 and paragraphs 1, 2(2), 3(3), (4), (5), (6) (in so far as not already in force), (7), (8) and (9), 4(2)(b) and (c) of the schedule of the 2019 Act into force on 4 December 2023. Regulation 2 and the schedule also bring sections 50, 54 to 66 and 69 of the 2019 Act into force on 11 December 2023 for all remaining purposes. Section 110, section 111, section 119 and paragraphs 6(4), (5), (9) and (10), and paragraph 7(4) of the schedule of the 2019 Act are brought into force on 1 April 2024.

Sections 35 and 36 introduce a number of new provisions on Bus Services Improvement Partnerships (“BSIPs”) into the Transport (Scotland) Act 2001 (“the 2001 Act”) (inserted sections 3A to 3M and a new schedule A1). Section 37 is brought into force to provide the Scottish Ministers with the power to make regulations under inserted section 6M of the Transport Act 1985. Section 38 introduces a number of new provisions into the 2001 Act (section 13A to section 13T) to enable a local transport authority to create and operate local bus services under a franchising framework.

Section 50, sections 54 to 66 and section 69 set out the parking prohibitions and exceptions, and enforcement of parking prohibitions provided for in Part 6 of the 2019 Act.

Section 110 inserts new provisions into the Transport (Scotland) 2005 Act which enable the Scottish Road Works Commissioner (“SRWC”) to carry out a number of inspection functions in relation to compliance with road works obligations and makes further provision with respect to the exercise of any such function. Section 111 enables the SRWC to issue compliance notices and makes provision about the content and form of such notices, appeals against them and the processes for withdrawal and variation of notices. Section 119 replaces section 138 of the New Roads and Street Works Act 1991 with a new section 138A. Section 138A requires undertakers and other people who are carrying out works in a road to enter in the Scottish Road Works Register details of the apparatus.

Sections 120 and 121 set out duties of Health Boards in respect of the provision of non-emergency patient transport.

Section 125 makes provision in relation to corporate offending. Section 126 deals with the Crown application.

Provisions of the schedule of the 2019 Act make minor and consequential amendments and repeals which relate to the changes made in Part 3 (bus services) and Part 9 (road works) of the 2019 Act.

The Bill for the Act received Royal Assent on 15 November 2019. Sections 128 to 131 came into force on the following day.

**Changes to legislation:**

There are currently no known outstanding effects for the The Transport (Scotland) Act 2019 (Commencement No. 7) Regulations 2023.