

2023 No. 80

TRANSPORT

PUBLIC BODIES

**The National Smart Ticketing Advisory Board (Scotland)
Regulations 2023**

<i>Made</i>	- - - -	<i>14th March 2023</i>
<i>Laid before the Scottish Parliament</i>		<i>16th March 2023</i>
<i>Coming into force</i>	- -	<i>12th May 2023</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 27C(4) and 81(2) of the Transport (Scotland) Act 2001^(a) and all other powers enabling them to do so.

In accordance with section 27C(5) of that Act, they have consulted with the persons specified in that section.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Smart Ticketing Advisory Board (Scotland) Regulations 2023 and come into force on 12 May 2023.

(2) In these Regulations—

“the Board” means the advisory committee established by regulation 2, and

“the chairperson” means the non-voting member of the Board (subject only to the exception in regulation 6(5)) appointed by the Scottish Ministers to chair the Board.

Establishment of the Board

2. There is established from the date of coming into force of these Regulations an advisory committee to be known as the National Smart Ticketing Advisory Board, as required by section 27C(1) of the Transport (Scotland) Act 2001.

Constitution and membership of the Board

3.—(1) The Board is to consist of—

(a) the chairperson,

(b) not more than 3 other non-voting members, and

^(a) 2001 asp 2. Section 27C was inserted by section 43 of the Transport (Scotland) Act 2019 (asp 17).

- (c) at least 10, but not more than 14, voting members,
appointed by the Scottish Ministers.
- (2) The voting membership of the Board must, so far as practicable, include—
- (a) at least 5, but not more than 7, persons who, in the view of the Scottish Ministers, represent an appropriate range of operators of local services and connecting rail or ferry services and operators of such other modes of transport as the Scottish Ministers consider appropriate,
 - (b) at least 2, but not more than 4, persons who, in the view of the Scottish Ministers, represent an appropriate range of local transport authorities and regional Transport Partnerships,
 - (c) at least 1, but not more than 3, persons who, in the view of the Scottish Ministers, represent users (including disabled users) of local services and connecting rail or ferry services and users of such other modes of transport as the Scottish Ministers consider appropriate, and
 - (d) one person who, in the view of the Scottish Ministers, represents the Scottish Ministers.
- (3) So far as practicable, the number of persons described in sub-paragraph (2)(a) appointed to the Board must equal the number of persons described in sub-paragraphs (2)(b) to (d) together appointed to the Board.
- (4) The non-voting membership of the Board must, so far as practicable, include persons who, in the view of the Scottish Ministers, have expertise relevant to the technology of smart ticketing and the strategic development of smart ticketing in Scotland.
- (5) In this regulation, “regional Transport Partnership” means a Transport Partnership created under section 1(1)(b) of the Transport (Scotland) Act 2005(a).

Appointment and tenure of office

- 4.—(1) The members of the Board are to be appointed by the Scottish Ministers on such terms and conditions as the Scottish Ministers consider appropriate.
- (2) Any person appointed to be a member of the Board must hold and vacate office in accordance with the terms of that person’s appointment and will, on ceasing to be a member of the Board, be eligible for re-appointment.
- (3) Any person so appointed may at any time resign by written notice given to the Scottish Ministers.
- (4) The Scottish Ministers may remove a member from the Board by giving the member notice in writing, if the Scottish Ministers are satisfied that the member—
- (a) is unable to perform the member’s functions,
 - (b) has (without reasonable excuse) been absent from three consecutive meetings of the Board, or
 - (c) is otherwise unfit to continue to be a member.
- (5) Voting members of the Board may make recommendations to the Scottish Ministers that the Scottish Ministers—
- (a) appoint a person to the Board,
 - (b) amend the rules relating to the membership of the Board contained in regulation 3.
- (6) Where the voting members of the Board make a recommendation to the Scottish Ministers under paragraph (5) above, Ministers may give effect to any such recommendation, with or without modifications, or may decline to give effect to any such recommendation.

(a) 2005 asp 12.

(7) Voting members of the Board are not permitted to make recommendations to the Scottish Ministers under paragraph (5) above in relation to the appointment of a person to the role of chairperson.

Administration, remuneration and expenses

5.—(1) The Scottish Ministers must make arrangements for the Board to be provided with such administrative support and office accommodation as the Scottish Ministers consider appropriate.

(2) The Scottish Ministers may pay members of the Board such remuneration as the Scottish Ministers may determine appropriate.

(3) The Scottish Ministers must pay or reimburse members of the Board any expenses which have been reasonably incurred by them in connection with the Board's functions.

Meetings and procedure

6.—(1) The Board must meet at least four times a year and otherwise whenever convened by the chairperson.

(2) Without prejudice to the discretion of the chairperson to call a meeting whenever they think fit, the chairperson must call a meeting when required to do so by a majority of the voting members of the Board.

(3) The voting members of the Board are each entitled to vote on the matters before the Board requiring a resolution, including (in particular)—

- (a) any advice and recommendations of the Board to the Scottish Ministers,
- (b) the content of the work programme required by regulation 8, and
- (c) the content of the annual report required by regulation 10.

(4) Subject to paragraph (5), the non-voting members of the Board are not entitled to vote on the matters referred to in paragraph (3).

(5) The chairperson has a casting vote in the case of an equality of votes.

(6) The quorum for all meetings of the Board is a majority of the current voting membership of the Board.

(7) A resolution is passed when a majority of the voting members attending the meeting have voted in favour of it.

(8) Minutes must be kept of the proceedings of every meeting of the Board and must include a record of any resolution passed by the Board.

(9) Where a voting member does not agree with a resolution of the Board under paragraph (7), the voting member may communicate their dissenting opinion to the Scottish Ministers on an individual basis or acting collectively with other dissenting voting members.

Validity of proceedings

7. The validity of any proceedings of the Board is not affected by—

- (a) any vacancy amongst the members,
- (b) any defect in appointment of any member, or
- (c) any failure to comply with a requirement imposed by these Regulations.

Work programme

8.—(1) The Board must prepare and submit for the Scottish Ministers' approval a work programme which—

- (a) sets out how it intends to perform its functions under sections 27C(2) and (3) of the Transport (Scotland) Act 2001 for the relevant period, and

- (b) details such other matters relating to the Board’s functions as the Board considers appropriate.
- (2) The first work programme prepared by the Board must—
 - (a) relate to any remainder of the current financial year in addition to the relevant period, and
 - (b) be submitted to the Scottish Ministers as soon as reasonably practicable, and not later than six months after the first meeting of the Board.
- (3) All work programmes subsequent to the first must be submitted to the Scottish Ministers not later than three months before the expiry of the period to which the current programme relates.
- (4) The Scottish Ministers may—
 - (a) approve a programme without modification,
 - (b) approve a programme with modifications agreed with the Board, or
 - (c) reject a programme.
- (5) If the Scottish Ministers reject a programme, the Board must submit a revised programme to the Scottish Ministers within such period as the Scottish Ministers require.
- (6) Where the Scottish Ministers approve a programme under sub-paragraph (4)(a) or (b), the Board must publish the approved programme in such manner as it considers appropriate.
- (7) The Board—
 - (a) may revise a programme from time to time,
 - (b) must submit any revised programme to the Scottish Ministers for approval.
- (8) Paragraphs (4) to (6) apply to a revised programme submitted under paragraph (5) or (7)(b) as they apply to a programme submitted under paragraphs (2) and (3).
- (9) In this regulation, “relevant period” means—
 - (a) at least the next full financial year, and
 - (b) not more than the next three full financial years.

Advice, recommendations and reports to the Scottish Ministers

- 9. The Board must publish—
 - (a) any advice it provides to the Scottish Ministers, and
 - (b) any recommendations it makes to the Scottish Ministers,
 in such manner as it considers appropriate.
- 10.—(1) The Board must prepare and submit to the Scottish Ministers by 30 June each year a report for the previous financial year in which the Board—
 - (a) measures its success in respect of that financial year by such methods as the Scottish Ministers may intimate from time to time, and
 - (b) collates all advice given and recommendations made by the Board to the Scottish Ministers during that financial year, including any dissenting opinions communicated to the Scottish Ministers by dissenting voting members under regulation 6(9).
- (2) As soon as reasonably practicable after the report is submitted to the Scottish Ministers, the Board must publish the report required by paragraph (1) in such manner as it considers appropriate.

JENNY GILRUTH
 Authorised to sign by the Scottish Ministers

St Andrew’s House,
 Edinburgh
 14th March 2023

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations establish an advisory committee to be known as the National Smart Ticketing Advisory Board (“the Board”) and make provision in relation to the Board.

Regulation 2 establishes the Board.

Regulation 3 makes provision in relation to the constitution and membership of the Board. The Board will have voting and non-voting members. A non-voting member will be appointed to act as chairperson, and the chairperson will have a casting vote in the case of an equality of votes (see regulation 6(5)). Regulation 3 specifies a minimum and maximum number of each type of member. This regulation also provides the voting membership must, so far as practicable, include a specified number of persons representing specified sectors and the non-voting membership must, so far as practicable, include persons with expertise relevant to the technology of smart ticketing and the strategic development of smart ticketing in Scotland.

Regulation 4 makes provision in relation to the appointment and removal of members to and from the Board. Members will be appointed by the Scottish Ministers and may be removed by the Scottish Ministers. Members may also resign by giving written notice to the Scottish Ministers. Voting members of the Board may make recommendations to the Scottish Ministers in relation to the appointment of members, and in relation to amendments to the rules about membership contained in regulation 3.

Regulation 5 provides for the provision of administrative support to the Board. This regulation also provides that the Scottish Ministers may pay members of the Board remuneration, and that the Scottish Ministers must pay or reimburse members’ reasonable expenses.

Regulation 6 makes provision in relation to meetings held by the Board and the process by which the Board makes decisions.

Regulation 7 provides that the validity of the proceedings of the Board is not affected by a vacancy amongst members, any defect in the appointment of a member, nor any failure to comply with a requirement imposed by these Regulations.

Regulation 8 provides that the Board is to prepare and publish a work programme detailing its proposed work for a period described in this regulation. Regulation 8 also provides that the Scottish Ministers must approve the work programme, and makes further provision in relation to the process to be followed in order to obtain the Scottish Ministers’ approval.

Regulation 9 provides that the Board must publish the advice it provides and the recommendations it makes to the Scottish Ministers.

Regulation 10 provides that the Board is to prepare an annual report to the Scottish Ministers in which the Board measures its success for the previous financial year and collates all advice given and recommendations made by the Board during that financial year. The Board must publish this report after it has been submitted to the Scottish Ministers.

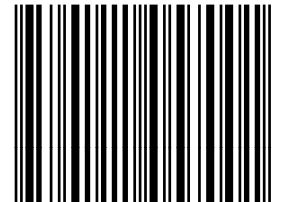
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