



Transport (Scotland) Act 2005

2005 asp 12

PART 3

MISCELLANEOUS

51 Minor amendments of Transport (Scotland) Act 2001

- (1) The Transport (Scotland) Act 2001 (asp 2) is amended in accordance with subsections (2) to (9) below.
- (2) In section 48 (interpretation of Part 2 (bus services)), in the definition of “relevant general policies” in paragraph (a)—
 - (a) after second “authority” there is inserted “(i)”; and
 - (b) at the end there is inserted “; or
(ii) any policies formulated by them from time to time in accordance with that strategy which, were the area to which those policies relate not in a passenger transport area, could have been formulated by them under that provision and which relate to matters which may be the subject matter of a quality partnership scheme or a quality contract scheme;”.
- (3) In section 54(2) (road not to be subject to charges under more than one charging scheme) for “A road shall not” there is substituted “No part of a road shall”.
- (4) In section 64 (which enables regulations for, among other things, the determination of disputes and appeals against those determinations)—
 - (a) in subsection (1), in paragraph (a), for “relating to charging schemes” there is substituted “arising under this Part of this Act”; and
 - (b) after that subsection there is inserted—

“(1A) Provision may be made under subsection (1) above for the appointment of—

 - (a) persons to determine the disputes; and
 - (b) persons to hear and determine the appeals,referred to in that subsection.

Status: This is the original version (as it was originally enacted).

- (1B) Provision made by virtue of subsection (1A) above may include provision for the payment by charging authorities of expenditure incurred in and in consequence of the making of appointments by virtue of that subsection.
- (1C) Provision made by virtue of subsection (1A) above may—
- (a) include provision conferring the functions referred to in paragraphs (a) and (b) of that subsection on persons appointed to carry out functions similar to those functions; and
 - (b) where it does so, may, so as to give the provision full effect, apply and modify any enactment.”.
- (5) In section 66(4) (application of Act to motor vehicles and persons in public service of the Crown), for “subsection (2)” there is substituted “subsection (3)”.
- (6) In section 79(1) (issue of guidance to local traffic and transport authorities), in paragraph (d), after “authorities” there is inserted “and local traffic authorities (or any one or more local traffic authorities)”.
- (7) In section 81(4)(b) (which specifies the regulations that are to be made by way of affirmative resolution procedure), after “Act” there is inserted “or which consist of or include provision made by virtue of section 64(1C) of this Act”.
- (8) In section 82(1) (interpretation) in the definition of “local transport strategy”—
- (a) the words from “in” (where first occurring) to “Act” are repealed;
 - (b) after “by” there is inserted “(a)”; and
 - (c) after “authority” there is inserted “; or
 - (b) a local traffic authority,”.
- (9) In schedule 1, in paragraph 5 (application by charging authorities of proceeds of road user charging)—
- (a) in sub-paragraph (1), sub-sub-paragraph (b) and the word “or” immediately preceding it are repealed; and
 - (b) after that sub-paragraph there is inserted—

“(1A) A charging authority may, for the purposes of sub-paragraph (1) above, pay money to any local traffic authority, local transport authority or other person.”.