

Changes to legislation: There are currently no known outstanding effects for the Transport (Scotland) Act 2019. (See end of Document for details)

SCHEDULE S
(introduced by section 127)

MINOR AND CONSEQUENTIAL AMENDMENTS AND REPEALS

PART 1 S

BUS SERVICES

Road Traffic Regulation Act 1984

- 1 (1) The Road Traffic Regulation Act 1984 is amended as follows.
- (2) In section 1 (traffic regulation orders), for subsection (3A) substitute—
- “(3A) A local traffic authority may make a traffic regulation order in respect of a road in relation to which the Scottish Ministers are the traffic authority if—
- (a) the order is required for the provision of facilities or the taking of a measure pursuant to a scheme implementing a bus services improvement partnership plan made by the authority under Part 2 of the Transport (Scotland) Act 2001, and
- (b) the consent of the Scottish Ministers is obtained.”.
- (3) In schedule 9 (variation or revocation of certain traffic regulation orders), in paragraph 27(3), for the words from “pursuant” to “scheme” substitute “ or the taking of a measure pursuant to a scheme implementing a bus services improvement partnership ”.

Commencement Information

II Sch. para. 1 in force at 4.12.2023 by S.S.I. 2023/250, sch.

Transport Act 1985

- 2 (1) The Transport Act 1985 is amended as follows.
- (2) In section 63(5) (power of local authority to enter into agreement for service subsidies), in paragraph (aa)(ii), for “to the standard specified in a quality partnership scheme made under section 6” substitute “ in compliance with a service standard imposed in a bus services improvement partnership scheme made under section 3B ”.
- (3) In section 135 (procedure for making regulations etc.)—
- (a) after subsection (1) insert—
- “(1A) But section 61(2) of the 1981 Act (consultation with representative organisations) does not apply to regulations made under sections 6ZA(2) or (5), 6ZB(2) or 6ZC(1) of this Act.”.
- (b) in subsection (3), for “subsection (4)” substitute “ subsections (4) and (4A) ”,
- (c) after subsection (4) insert—
- “(4A) Regulations under section 6ZC(1), which make provision of the type mentioned in paragraph (d) of that section, are subject to the affirmative procedure.”.

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- I2** Sch. para. 2(1)(3) in force at 28.11.2022 by S.S.I. 2022/332, reg. 2, sch.
I3 Sch. para. 2(2) in force at 4.12.2023 by S.S.I. 2023/250, sch.

Transport (Scotland) Act 2001

- 3 (1) The Transport (Scotland) Act 2001 is amended as follows.
- (2) After section 32B (as inserted by section 46 of this Act), insert— “ CHAPTER 4
Other matters ”.
- (3) In section 37 (competition test)—
- (a) in subsection (1)(a), for “quality partnership schemes” substitute “ partnership schemes ”,
 - (b) in subsection (2)(a)—
 - (i) for “quality partnership scheme” substitute “ partnership scheme ”,
 - (ii) for “section 5(1)” substitute “ paragraph 6(2) or, as the case may be, 14(1) of schedule A1 ”.
- (4) In section 39 (penalties)—
- (a) in subsection (1)(b), for “8(4) or 22(1)(b) or (2)” substitute “ 3F(1) or 13B(1) (b) or (3) ”
 - (b) after subsection (1)(b) insert—

[^{F1}“(bb)] failed to comply with a requirement to provide information (including a requirement to provide it within a specified time or in a specified form) under section [^{F2}3K(2) or 13R(2)],”.
- (5) In section 47 (co-operation)—
- (a) in subsection (1)—
 - (i) for “quality partnership scheme,” substitute “ partnership scheme ”,
 - (ii) for “quality contract scheme” substitute “ or franchising framework ”,
 - (iii) for “scheme” where it fourth occurs substitute “ scheme or framework ”,
 - (b) in subsection (3)(a)—
 - (i) for “quality partnership schemes,” substitute “ partnership schemes ”,
 - (ii) for “quality contract schemes” substitute “ and franchising frameworks ”.
- (6) In section 48 (interpretation of Part 2)—
- (a) in subsection (1)—
 - (i) at the beginning insert “ Subject to subsection (1A) ”
 - (ii) the definition of “operational date” is repealed
 - (iii) at the appropriate place insert—

““operational service standard” is to be construed in accordance with section 3C(1)(b),”

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- (iv) the definition of “quality contract” is repealed
- (v) in the definition of “relevant general policies”, in paragraph (a)(ii)—
 - (A) after “relate to” insert “ providing services of the kind mentioned in section 2A(1) of this Act or ”,
 - (B) for “a quality partnership scheme or a quality contract scheme” substitute “ a partnership scheme or a franchising framework ”,
- (vi) at the appropriate place insert—
 - ““route service standard” is to be construed in accordance with section 3C(1)(a),”
- (vii) the definitions of “specified facilities” and “specified standard” are repealed,
- (viii) at the appropriate place insert—
 - ““Transport Partnership” means a Transport Partnership created by order under section 1 the Transport (Scotland) Act 2005.”.
- (b) after subsection (1) insert—
 - “(1A) The definition of “traffic regulation order” in subsection (1) does not apply for the purposes of chapter 1 of this Part.”.
- (7) In section 79 (guidance)—
 - (a) in subsection (1)(c)—
 - (i) for “quality partnership schemes” substitute “ partnership schemes ”,
 - (ii) for “quality contract schemes” substitute “ franchising frameworks ”,
 - (b) in subsection (2), after “section” where it first occurs insert “ or any other section ”.
- (8) In section 81 (regulations and orders)—
 - (a) in subsection (4)(a), the words “14(6), 18(2)(b)” are repealed,
 - (b) in subsection (4)(b), for “41(1) of this Act” substitute “ 3G(4), 3H(7), 13M(5), 13Q(4) [F³27A(5), 35A(1)] or 41(1) or paragraph 26 of schedule A1 ”,
 - (c) after subsection (4)(b) insert—
 - “(c) regulations under section [F⁴3M(2)(c)] which make provision about what may constitute a facility or measure.”.
- (9) In section 82 (interpretation of Act)—
 - (a) in subsection (1)—
 - (i) at the appropriate place insert—
 - ““franchising framework” is to be construed in accordance with section 13A of this Act,”
 - (ii) the definition of “quality contract scheme” is repealed,
 - (iii) for the definition of “quality partnership scheme” substitute—
 - ““partnership scheme” is to be construed in accordance with section 3B of this Act,”

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- (iv) at the appropriate place insert—
- ““stopping place” has the same meaning as in the 1985 Act”
- (b) in subsection (2), the following words are repealed—
- “section 3(3)(a);
- section 6(2)(a) and (4)(a);
- section 8(1) and (2);
- section 10;
- section 13(6) and (7);
- section 18;
- section 19;
- section 24;”.

Textual Amendments

- F1** Word in sch. para. 3(4)(b) substituted (27.11.2023) by [The Transport \(Scotland\) Act 2019 Amendment Regulations 2023 \(S.S.I. 2023/347\)](#), regs. 1(1), [2\(7\)\(a\)\(i\)](#)
- F2** Words in sch. para. 3(4)(b) substituted (27.11.2023) by [The Transport \(Scotland\) Act 2019 Amendment Regulations 2023 \(S.S.I. 2023/347\)](#), regs. 1(1), [2\(7\)\(a\)\(ii\)](#)
- F3** Words in sch. para. 3(8)(b) inserted (27.11.2023) by [The Transport \(Scotland\) Act 2019 Amendment Regulations 2023 \(S.S.I. 2023/347\)](#), regs. 1(1), [2\(7\)\(b\)](#)
- F4** Word in sch. para. 3(8)(c) substituted (27.11.2023) by [The Transport \(Scotland\) Act 2019 Amendment Regulations 2023 \(S.S.I. 2023/347\)](#), regs. 1(1), [2\(7\)\(c\)](#)

Commencement Information

- I4** Sch. para. 3(6)(a)(v)(A) in force at 24.6.2022 by [S.S.I. 2022/204](#), [reg. 2\(b\)](#)
- I5** [Sch. para. 3\(3\)\(4\)\(5\)\(7\)\(8\)\(9\)](#) in force at 4.12.2023 by [S.S.I. 2023/250](#), [sch.](#)
- I6** [Sch. para. 3\(6\)](#) in force at 4.12.2023 in so far as not already in force by [S.S.I. 2023/250](#), [sch.](#)

Transport (Scotland) Act 2005

- 4 (1) The Transport (Scotland) Act 2005 is amended as follows.
- (2) In section 10(5)—
- (a) before paragraph (a) insert—
- “(za) providing services for the carriage of passengers by road using vehicles that require a PSV operator's licence to do so,”
- (b) for paragraph (a) substitute—
- “(a) making and implementing bus services improvement partnership plans,”
- (c) in paragraph (b), for “quality contract schemes” substitute “ franchising frameworks ”.

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- I7** Sch. paras 4(1)(2)(a) in force at 24.6.2022 by S.S.I. 2022/204, **reg. 2(b)**
I8 Sch. paras. 4(2)(b)(c) in force at 4.12.2023 by S.S.I. 2023/250, **sch.**

PART 2 **S**

ROAD WORKS

Roads (Scotland) Act 1984

- 5 (1) The Roads (Scotland) Act 1984 is amended as follows.
- (2) In section 56(1) (control of works and excavations)—
- (a) the words “Subject to section 61 of this Act and” are repealed,
 - (b) the word “other” is repealed.
- (3) In section 57 (dangerous works)—
- (a) in subsection (2), the words “or 61” are repealed,
 - (b) in subsection (3), the words “or 61(1)” are repealed,
 - (c) in subsection (4), for “sections 56 and 61” substitute “section 56”.
- (4) In section 61A (charge for occupation of road), in subsection (2), the entry for section 61 is repealed.

Commencement Information

- I9** Sch. para. 5 in force at 10.1.2022 by S.S.I. 2021/428, **reg. 2, sch.**

New Roads and Street Works Act 1991

- 6 (1) The New Roads and Street Works Act 1991 is amended as follows.
- (2) In section 112B (duty to enter certain information in the Scottish Road Works Register), in subsection (7), paragraph (d) is repealed.
- (3) In section 117 (restrictions on works following substantial road works), in subsection (1), for the words from “during” to the end of the first sentence, substitute “for such period following the completion of those works as may be prescribed.”.
- (4) In section 118 (general duty of road works authority to co-ordinate works), subsection (5) is repealed.
- (5) In section 119 (general duty of undertakers to co-operate), in subsection (2A)—
- (a) paragraph (a), together with the “and” immediately following it, is repealed, and
 - (b) the closing words are repealed.
- (6) In section 120 (protected roads), in subsection (2)(b), the words “or section 61 of the Roads (Scotland) Act 1984 (permission to place and maintain apparatus under a road)” are repealed.

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- (7) Sections 132A to 132E and section 137A are repealed.
- (8) In section 155 (recovery of costs or expenses), in subsection (3), the words “or 137A (contributions to costs of resurfacing by undertakers)” are repealed.
- (9) In section 161(6) (effect of Part IV on other enactments or instruments), the words “Except as mentioned in section 138(6),” are repealed.
- (10) In section 165 (index of defined expressions), after the entry for “the Commissioner”, insert—

“compliance notice	section 153A(2)
compliance period	section 153C(1)(d)”.

Commencement Information

- I10** Sch. para. 6(1)(2)(6)(7)(8) in force at 10.1.2022 by S.S.I. 2021/428, reg. 2, **sch.**
- I11** Sch. para. 6(3) in force at 25.1.2023 by S.S.I. 2022/332, reg. 2, **sch.**
- I12** Sch. paras. 6(4)(5)(9)(10) in force at 1.4.2024 by S.S.I. 2023/250, **sch.**

Transport (Scotland) Act 2005

- 7 (1) The Transport (Scotland) Act 2005 is amended as follows.
 - (2) In section 22(1), paragraph (a) is repealed.
 - (3) Sections 30, 31 and 32 are repealed.
 - (4) In section 53 (interpretation), in subsection (2)—
 - (a) before the definition of “the Commissioner”, insert—

““authorised person” has the meaning given in section 18A(1),”
 - (b) after the definition of “the Commissioner”, insert—

““the 1984 Act” means the Roads (Scotland) Act 1984.”

Commencement Information

- I13** Sch. paras. 7(1)(3) in force at 10.1.2022 by S.S.I. 2021/428, reg. 2, **sch.**
- I14** Sch. para. 7(2) in force at 22.9.2023 by S.S.I. 2023/250, **sch.**
- I15** Sch. para. 7(4) in force at 1.4.2024 by S.S.I. 2023/250, **sch.**

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