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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2024 No.**

**TRANSPORT**

**The Transport Partnerships (Transfer of Functions) (Scotland)  
Order 2024**

*Made* - - - - 2024  
*Coming into force* - - 2024

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 10(1) and 52(4)(b) of the Transport (Scotland) Act 2005(a) and all other powers enabling them to do so.

In accordance with section 10(8) of that Act, the Scottish Ministers have consulted with the Transport Partnerships to which the Order relates, their constituent councils and such other persons as they think fit.

In accordance with section 52(3) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

**Citation, commencement and interpretation**

**1.**—(1) This Order may be cited as the Transport Partnerships (Transfer of Functions) (Scotland) Order 2024 and comes into force on the day after the day on which it is made.

(2) In this Order—

“the 2001 Act” means the Transport (Scotland) Act 2001(b),

“Dumfries and Galloway Council” means the council constituted for the Dumfries and Galloway local government area under section 2 of the Local Government etc. (Scotland) Act 1994(c),

“Shetland Islands Council” means the council constituted for the Shetlands Islands local government area under section 2 of that Act.

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(a) 2005 asp 12.

(b) 2001 asp 2.

(c) 1994 c. 39. There are amendments to section 2 which are not relevant to this Order.

### **Functions exercisable concurrently by the Shetland Transport Partnership and Shetland Islands Council**

2. The functions conferred on Shetland Islands Council by the provisions of the 2001 Act specified in article 5 are exercisable concurrently by the Shetland Transport Partnership(a) and Shetland Islands Council.

### **Functions exercisable concurrently by the South-West of Scotland Transport Partnership and Dumfries and Galloway Council**

3. The functions conferred on Dumfries and Galloway Council by the provisions of the 2001 Act specified in article 5 are exercisable concurrently by the South-West of Scotland Transport Partnership(b) and Dumfries and Galloway Council.

### **Functions exercisable concurrently by the West of Scotland Transport Partnership and the Strathclyde Passenger Transport Authority**

4. The functions conferred on the Strathclyde Passenger Transport Authority(c) by the provisions of the 2001 Act specified in article 5 are exercisable concurrently by the West of Scotland Transport Partnership(d) and the Strathclyde Passenger Transport Authority.

### **Specified provisions**

5. For the purposes of articles 2 to 4 the specified provisions of the 2001 Act are—
- (a) section 2A (provision of bus services etc. by local transport authorities)(e),
  - (b) sections 3A to 3L (bus services improvement partnerships)(f),
  - (c) sections 13A to 13S (local services franchises)(g), and
  - (d) Parts 1 to 3 of schedule A1 (bus services improvement partnership plans and schemes: procedures)(h).

### **Amendment of the Transport (Scotland) Act 2001**

- 6.—(1) The 2001 Act is amended as follows.
- (2) In the definition of “local transport authority” in section 82(1) (interpretation)—
- (a) in paragraph (a), omit “or”,
  - (b) after that paragraph, insert—
    - “(aa) the Shetland Transport Partnership;
    - (ab) the South-West of Scotland Transport Partnership;”,
  - (c) at the end of paragraph (b), insert—
    - “; or

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(a) The Shetland Transport Partnership was established S.S.I. 2005/622.  
(b) The South-West of Scotland Transport Partnership was established by S.S.I. 2005/622.  
(c) The Strathclyde Passenger Transport Authority was established by section 40 of the Local Government etc. (Scotland) Act 1994 (c. 39).  
(d) The West of Scotland Transport Partnership was established by S.S.I. 2005/622.  
(e) Section 2A was inserted by section 34(1) of the Transport (Scotland) Act 2019 (asp 17) (“the 2019 Act”).  
(f) Sections 3A to 3L were inserted by section 35(2) of the 2019 Act.  
(g) Sections 13A to 13S were inserted by section 38(2) of the 2019 Act.  
(h) Schedule A1 was inserted by section 36(2) of the 2019 Act.

(c) the West of Scotland Transport Partnership;”.

St Andrew's House,  
Edinburgh  
Date

*Name*  
Authorised to sign by the Scottish Ministers

## EXPLANATORY NOTE

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

This Order provides for certain transport-related functions of Shetlands Islands Council, Dumfries and Galloway Council and the Strathclyde Passenger Transport Authority to be exercisable by the Shetland Transport Partnership, the South-West of Scotland Transport Partnership and the West of Scotland Transport Partnership (“the Transport Partnerships”).

Articles 2 to 4 transfer specified functions under the Transport (Scotland) Act 2001 (“the 2001 Act”) to the Transport Partnerships. The transferred functions are exercisable by each of the Transport Partnerships concurrently with the original holder of those functions.

Article 5 specifies the functions transferred. These are functions under the 2001 Act relating to the provision of bus services by local transport authorities, bus services improvement partnerships and local services franchises.

Article 6 modifies the definition of “local transport authority” in section 82(1) of the 2001 Act to include the Transport Partnerships.

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