
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 175

**The National Bus Travel Concession Scheme
for Young Persons (Scotland) Order 2021**

Compulsory participation notices

9.—(1) An operator of an eligible service may seek to withdraw from the scheme provided that the operator gives 56 days' notice in writing to the Scottish Ministers of their intention to withdraw.

(2) The Scottish Ministers on receiving notice under paragraph (1) may serve the operator with a compulsory participation notice, requiring the operator to participate in the scheme, and that compulsory participation notice has effect until any appeal under paragraph (4) is determined.

(3) If an operator is served with a compulsory participation notice, the operator must comply with the terms of that notice from the date the notice is served.

(4) An operator who has been served with a compulsory participation notice may on cause shown appeal against that notice within the period of 56 days beginning with the day on which the operator was served with that notice.

(5) Where an operator makes an appeal under paragraph (4), the appeal is to be determined by an assessment panel comprising 3 members appointed by agreement between the operator and the Scottish Ministers.

(6) The assessment panel must either—

- (a) determine that it is appropriate for the operator to continue to participate in the scheme and the operator must participate in the scheme in accordance with the provisions of this Order, or
- (b) determine that it is not appropriate for the operator to continue to participate in the scheme under the existing conditions of the scheme and may propose modifications to the reimbursement arrangements in relation to an eligible service or services provided by the operator.

(7) The assessment panel must send a copy of their determination to the operator and to the Scottish Ministers.

(8) On receiving a determination of the assessment panel the Scottish Ministers must—

- (a) where a determination is made under paragraph (6)(a), set out in writing to the operator the eligible service or services for which the compulsory participation notice will be effective, or
- (b) where a determination is made under paragraph (6)(b), either cancel the compulsory participation notice or modify the reimbursement arrangements if so proposed by the panel.