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DRAFT STATUTORY INSTRUMENTS

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**2023 No.**

**The Transport (Scotland) Act 2019 (Consequential Provisions and Modifications) Order 2023**

**PART 4**

**Bus Services: Local Services Franchises**

**Determination of “principally connected” employment**

**25.**—(1) For the purposes of article 24(4) the determination as to whether a person’s employment is “principally connected” with the provision of affected local services is to be made by agreement between the parties or, where there is no agreement, in accordance with paragraph (5).

(2) After a local transport authority make a franchising framework they must issue a consultation notice to—

- (a) operators of affected local services, and
- (b) appropriate representatives of employees employed on those affected local services.

(3) Any notice issued for the purposes of paragraph (2) must set out—

- (a) the proposed criteria for determining if a person’s employment is principally connected with affected local services, which may include particular individual roles,
- (b) the consultation process and the agreement sought,
- (c) the periods over which the consultation process will take place,
- (d) the parties to be issued with a consultation notice, and
- (e) what constitutes agreement between the parties.

(4) If there is agreement between the parties for the purposes of paragraph (1), the local transport authority must notify the parties and publish the details of the agreement.

(5) If there is no agreement for the purposes of paragraph (1), a person’s employment is treated as “principally connected” with the provision of affected local services if that person spends, on average, at least half of their working time—

- (a) assigned to the provision of affected local services, or
- (b) assigned to activities connected wholly or mainly to the provision of affected local services.

(6) In this article, “the parties” means—

- (a) the local transport authority that have made a franchising framework,
- (b) the operators of affected local services, and
- (c) appropriate representatives of employees working on those affected local services.