
DRAFT STATUTORY INSTRUMENTS

2023 No.

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

PART 4

Bus Services: Local Services Franchises

Request for relevant information

27.—(1) At any time after a local transport authority have made a franchising framework the authority may issue a request to a relevant operator for such relevant information as may be specified by the authority.

(2) A request made under paragraph (1)—

- (a) must specify the date by which the relevant operator is to respond to the request, which must be not less than 21 days from the date on which the request is issued,
- (b) must contain sufficient information about the franchising framework to enable a relevant operator to determine which of their employees would be relevant employees for the purposes of that request,
- (c) must only request such relevant information as the local transport authority consider necessary in order to carry out their functions in relation to the application of TUPE in connection with the franchising framework, and
- (d) must not include a request for personal data, except to the extent that such a request is for information about the identity of appropriate representatives.

(3) If a relevant operator in receipt of a request for relevant information made under paragraph (1) is of the opinion that the requirement specified in paragraph (2)(b) has not been satisfied, the relevant operator must—

- (a) within 14 days from the date on which the request is received, give notice in writing to the local transport authority of that opinion, and
- (b) describe the information which, in the opinion of the relevant operator, is required in order to satisfy the requirement in paragraph (2)(b).

(4) If the local transport authority receive notice in accordance with paragraph (3)(a) the authority must—

- (a) supply to the relevant operator such information as seems to the local transport authority to be necessary, taking into account the description of information supplied in accordance with paragraph (3)(b), in order to enable the relevant operator to respond to the request made under paragraph (1), and
- (b) specify a revised date by which the relevant operator is to respond to the request made by virtue of paragraph (1), which must be not less than 21 days from the date on which the information described in sub-paragraph (a) is received by the relevant operator.

(5) If a request has been made under paragraph (1) and the local transport authority no longer require relevant information they must notify the relevant operator.

(6) A request does not have effect to the extent that—

- (a) complying with the request would involve the disclosure of information which would contravene the data protection legislation or any other enactment relating to the disclosure of information, or give rise to the commission of an offence (but the duty or power is to be taken into account in determining whether the disclosure or use would contravene that legislation), or
- (b) the person to whom the request applies would be entitled to refuse to comply with the request in or for the purposes of proceedings in a court in England and Wales, Northern Ireland or, as the case may be, Scotland.