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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 3

Bus Services and Ticketing Arrangements and Schemes

CHAPTER 1

Enforcement of the Competition Test

**Interpretation**

**4.** In this Chapter—

“the CMA” means the Competition and Markets Authority<sup>(1)</sup>,

“the competition test” means the test specified in section 37 of the 2001 Act<sup>(2)</sup> (competition test for exercise of bus functions),

“relevant function” means—

- (a) making and varying partnership schemes<sup>(3)</sup>,
- (b) making ticketing schemes<sup>(4)</sup> on or after the date on which this Part comes into force,
- (c) varying ticketing schemes made on or after that date,

and any reference in this Chapter to a proposed exercise of a relevant function is to be construed in accordance with section 37(2) of the 2001 Act.

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(1) Established by the Enterprise and Regulatory Reform Act 2013 (c. 24), section 25.

(2) Section 37 has been relevantly amended by the Transport (Scotland) Act 2019, the schedule, paragraph 3(3).

(3) See section 3B, with section 82(1), of the Transport (Scotland) Act 2001 for the meaning of “partnership scheme”. Section 3B was inserted by the Transport (Scotland) Act 2019, section 35. Section 82(1) is relevantly amended by the Transport (Scotland) Act 2019, the schedule, paragraph 3(9)(a)(iii).

(4) See section 29(3), with section 82(1), of the Transport (Scotland) Act 2001 for the meaning of “ticketing schemes”. Section 29 was relevantly amended by the Transport (Scotland) Act 2019 (asp 17), section 44. There are amendments to section 82(1) which are not relevant to this definition.