

**TAYSIDE AND CENTRAL SCOTLAND TRANSPORT PARTNERSHIP****20 SEPTEMBER 2022****TRANSPORT (SCOTLAND) 2019 ACT BUS LEGISLATION AND ALLIANCES  
UPDATE****REPORT BY PROJECT MANAGER TAYSIDE BUS ALLIANCE**

This report provides the Partnership with an overview of the Transport (Scotland) Act 2019 specific to bus operation and gives an update on bus alliances in the region.

**1 RECOMMENDATIONS**

1.1 That the Partnership:

- (i) notes the information provided on the Transport (Scotland) Act 2019, and bus alliances.
- (ii) remits officers to liaise with Tayside and Forth Valley Bus Alliance members to consider legislative options and opportunities.
- (iii) agrees to receive an update on the Transport (Scotland) Act 2019 in respect to local bus services at a future meeting.

**2 BACKGROUND**

- 2.1 The [Transport \(Scotland\) Act 2019](#) was enacted on 15 November 2019. The Act provides a variety of new powers to respond to transport challenges. It develops and refines the existing regulatory framework for bus services with a range of options designed to give Local Transport Authorities (LTAs) the powers and flexibility to improve bus services and reverse the decline in bus usage in their area.
- 2.2 The Act supports Scottish Government investment in the form of the Bus Partnership Fund (BPF), including the required development of Bus Service Improvement Partnerships (BSIPs) for funded projects. Tactran is a member of two Bus Alliances, the Tayside Bus Alliance and the Forth Valley Bus Alliance, both of which are developing BPF funded projects, with a view to becoming BSIPs in due course.
- 2.3 At its meeting on 15 March 2022 the Partnership remitted officers to bring forward a report on the respective powers in the Transport (Scotland) Act 2019 regarding options for bus services to a future Partnership meeting.

### **3 DISCUSSION**

#### **Transport (Scotland) Act 2019**

- 3.1 The Transport (Scotland) Act 2019 is divided into ten ‘parts’, of which part 3 refers to bus services, and parts 4 and 5, to ticketing and concessions; all of which can have an impact on buses in the Partnership area. This report summarises the primary impacts of the act on the provision of bus services.
- 3.2 An overview of the wider Act is given as an appendix A.

#### **Bus Services**

- 3.3 The 2019 Act updates the frameworks under which bus services are supplied. The Act facilitates a change in focus from private commercial market supply, being the predominant model in the period since 1985, to a collaborative market, detailed below.
- 3.4 The Act enables three new models of bus provision in a LTA area. These comprise the LTAs running bus services directly; a bus franchising model; and Bus Service Improvement Partnerships (BSIPs). To date the only additional funding for any of the models is through the BPF for BSIPs.

#### **Partnerships**

- 3.5 The Act introduces, but does not compel use of, partnership models. These include Voluntary Improvement, and Bus Service Improvement Partnerships (BSIPs).
- 3.6 LTAs are enabled by this part of the Act to develop a partnership ‘plan,’ which sets out an analysis of local bus services and objectives to be met by them. The partnership plan is to be implemented by one or more partnership ‘schemes,’ which are brought in by means of Bus Service Improvement Partnerships with local bus operators. Such ‘schemes’, can include a defined approach to operational characteristics, set by the LTA, that can include: service levels, frequency, fares, and similar areas of agreement and improvement.
- 3.7 The Act stipulates BSIPs must be developed collaboratively and include inputs from operators.
- 3.8 Projects supported under the Bus Partnership Fund (BPF) are required to develop a BSIP framework as part of their delivery.
- 3.9 Transport Scotland (TS) has provided an initial overview of BSIP frameworks.

### Local Transport Authority (LTA) services

- 3.10 In addition to the partnership concept, described above, the Act permits LTAs to become bus operators. Under section 34 of the Act LTAs have been enabled to set up their own services since June 2022.

### Bus Franchising

Section 38 of the Act permits local authorities to develop franchised models of supply. A franchise arrangement allows the LTA to define what transport services are to be provided by an operator or operators (the franchisee(s)); service standards; and any additional facilities required. The operator is given exclusive rights to operate services covered by the franchise.

### Ticketing

- 3.11 The Act combines and simplifies a series of pre-existing regulations related to ticketing, including standardised definitions of smart ticketing. LTAs are permitted to define ticketing schemes which can then be required of all local bus operators. Where an LTA defines a ticketing scheme it must collaborate with neighbouring authorities to facilitate travel to adjoining areas.

### Information Provision

- 3.12 Bus operators, LTAs and the Scottish traffic commissioner can be required, under s.39 and s.40, to provide information in relation to local services. This placing a burden on the LTA, as well as the operator, to maintain such data. Section 39 relates to information on service variation and deregistration, section 40 on active service information.
- 3.13 It is anticipated that regulations pertaining to information provision will be developed, by the end of 2023.

### Bus Alliances Update

- 3.15 The Tayside Bus Alliance is an alliance of Angus, Dundee, Perth & Kinross and Fife councils, Tactran, SEStran, local bus operators and user groups. The alliance has a project manager engaged directly by the alliance and based in Tactran. The alliance has been awarded £496,800 by the Bus Partnership Fund to develop a STAG analysis of 20 priority measures leading to a Strategic Business Case. The work is well underway and has completed Case for Change, and preliminary appraisals. The alliance has also undertaken stakeholder engagement and is currently undertaking optioneering workshops.
- 3.16 The Forth Valley Bus Alliance is an alliance of Falkirk, Clackmannanshire, and Stirling Councils, SEStran, Tactran, local bus operators including First group and Stagecoach. SEStran provides project management services to the Alliance. The Alliance was awarded £500,000 to develop a Case for Change and preliminary appraisals for a number of corridors in the Forth Valley area. This work is now well under way.

## **Next Steps**

- 3.17 Transport Scotland intend before the end of 2023 to introduce secondary legislation and publish guidance for the development of Bus Service Improvement Partnerships and Local Services Franchising. Enabling legislation for sections 39 and 40 are to be in place by the end of 2022.
- 3.18 Bus Partnership Fund supported projects, including the bus alliance projects, are required to develop BSIPs as a part of their deliverables.
- 3.19 The alliances are developing a structure that supports the development of new relationships, and opportunities presented by the Act.
- 3.20 A further review may be appropriate to establish the potential actions available for bus service improvements made possible under the act, including to establish the scope of service enhancement and change, including, but not limited to those permitted under, sections 34 and 38 of the Act.
- 3.21 A presentation on the above will be provided at the meeting by the Project Manager, Tayside Bus Alliance

## **4 CONSULTATIONS**

- 4.1 This report has been prepared in consultation with the local authority officers.

## **5 RESOURCE IMPLICATIONS**

- 5.1 There are no financial implications as a result of this report.

## **6 EQUALITIES IMPLICATIONS**

- 6.1 This report has been screened for any policy implications in respect of Equality Impact Assessment and no major issues have been identified.

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## **NOTE**

The following background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (and not containing confidential or exempt information) were relied on to a material extent in preparing this Report.

Transport (Scotland) Act 2019, Scottish Government, 15 November 2019

### Transport (Scotland) Act 2019 Review

#### Technical Summary

This section provides a technical review of the TSA19 by part and section number.

#### A1.1 Part 1: National Transport Strategy

Requires Scottish ministers to establish and consult on a national transport strategy for Scotland, the establishes a vision for transport to, from and within Scotland, that will take account of the need to seek to improve a number of outcomes related to individuals and to wider society. Section 2 requires consultation in regard to the strategy, completed by Transport Scotland and its consultants, on behalf of the ministers. Section 3 requires publication, section 4 its review, section 5, its reporting.

#### A1.2 Part 2: Low Emissions Zone Scheme

Provides structure for developing Low Emissions Zones (LEZ), to include larger cities, including Dundee.

Part 2 is divided into 4 chapters comprising sections 6 - 33 of the 2019 act. These are: Ch 1: Effect of an LEZ; Ch 2: Creation and modification of an LEZ; Ch 3: Operation of an LEZ; and Ch 4: General guidance and interpretation.

The sections have an impact on the Tactran area in terms of their application to the Dundee LEZ, which has been developed and is active, subject to a two year grace period for enforcement.

Section 14 refers to the required content of an LEZ scheme, and contains (ss.5) the ability of the (LEZ) scheme to make different provision for different purposes, types of vehicles, or areas.

#### A1.3 Part 3: Bus Services

Develops and refines the existing regulatory framework for bus services with a range of options designed to give Local Transport Authorities (LTAs) the powers and flexibility to improve bus services and reverse the decline in bus usage in their area

Part 3 addresses four divisions, listed below, and is comprised of sections 34 - 40 of the act, which in turn relate to updates in the wording of chapters and sections of the Transport (Scotland) Act 2001, the 2001 Act.

- New powers for transport authorities to provide local bus services (s. 34) - Provision to introduce Bus Service Improvement Partnership (BSIP) plans (s. 35 - 37).
- Authorities may also introduce franchising frameworks and franchising agreements covering their council area. (s. 38)
- Amendments to the Traffic (Scotland) Act 2001 to provide more powers relating to information from operators on services including requiring operators to inform authorities when varying or cancelling services. (s. 39 and 40)

Part 3 also contains detailed powers and limitations to the development of services, partnerships, BSIPs and operations. While these are structured by the divisions set out above, links exist, and may exist, to service delivery, discussed by division, below<sup>1</sup>.

### New Powers

**Section 34 of the 2019 Act:** updates section 3 of the 2001 act, enabling local transport authorities to provide services for the carriage of passengers by road using vehicles requiring a PSV operator's licence.

The section (s.34) inserts text to the 2001 act immediately preceding section 3 of the 2001 act, as Chapter A1, Provision of bus services etc. by local transport authorities, section 2A, subsections 1 - 3:

ss.1: A local transport authority may provide a service for the carriage of passengers by road using vehicles that require a PSV operator's licence to do so.

The LTA must be satisfied that the provision of such services will contribute to the implementation of their relevant general policies.

Scottish Ministers may issue guidance in relation to the exercise of this ability, and local transport authorities must have regard to any such guidance (per s. 79 of the 2001 act).

ss.2: Repeals a restriction on councils operating such services (1985 Act) and which allowed for a transition of existing services out to public transport companies.

ss.3: Provides that repealed provisions (in ss.2) will continue to have effect in so far as is necessary for any existing services or undertaking which relies upon them.

### Bus Service Improvement Partnerships (BSIP)

**Section 35 of the 2019 Act** provides for a new type of statutory partnership, Bus Service Improvement Partnerships (BSIPs). The partnerships follow from, and appear to replace statutory Quality Partnerships (sQPs), defined under the 2001 act.

Sections 35-37 of the 2019 Act provide a significant number of updates to section 3 - 12 of the 2001 Act, in support of the development of BSIPs.

The section inserts text at Ch.1, s.3A, ss1 of the 2001 act: providing the structure to develop BSIPs as partnership plans. Ch. 1, ss.2 defines the criteria for the plan, and ss.3, the requirement to consult. Ch.1, s.3B, defines the nature of BSIP schemes, inserting six subsections to the 2001 act:

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<sup>1</sup> See: <https://consult.gov.scot/transport-scotland/part-3-busservices-transport-scotland-act-2019/> (summary); <https://www.transport.gov.scot/publication/implementing-part-three-of-thetransport-scotland-act-2019-bus-services-analysis-of-consultation-responses/> (Full analysis of responses); and <https://www.transport.gov.scot/media/50084/implementing-part-3-of-the-transport-scotland-act-2019-bus-services-a-consultation.pdf> (Implementation review)

ss.1 Links between LTA partnership planning and BSIP delivery, including a minimum of one service to be included in the improvement plan.

ss.2 The ability to extend and expand BSIP plans;

ss.3 A definition of the criteria to be applied to the partnership scheme: area, time period of the scheme; service standards; and facilities

ss.4 Permits exemptions, and conditions of such exemptions

ss.5 Actions permitted to facilitate the partnership

ss.6 Limitations and requirements for the delivery of partnerships, including inter alia: the overall contributions of the partnership(s) to authority policies, including those defined for the partnerships; and local benefits and enhancements, that may include service level, environmental and/or transport benefits.

Some exclusions are listed that appear to avoid the double counting of facilities. Thus ss.8 facilities required under s33 / 34, LTA bus provision, are excluded from the BSIP / Partnerships definitions.

Ch.3C, of the 2001 act: partnership service standards, and ch.3D, Route service standards, provide an overview of the nature of standards as may be imposed, that include defined timings or frequencies; operational service standards, infusing vehicles, fares, ticketing, and information provision; as well as exceptions to the above, that include a prohibition of partnership service standards on s.22. services, as well as the geographical limitations (in line with the LTA defined service area), and the definition of "Multi-operator travel cards" which are reserved to Scottish Ministers.

Route service standards include ch.3D ss. 1-4 of the 2001 act, permissible modifications to address overprovision, including powers of Scottish Ministers; the role of traffic regulation orders ch.3E; and the interaction between Scottish Ministers and LTAs.

Chapter 3F defines the interaction between partnerships and traffic regulation orders. Ch.3G and 3H address postponement (3G), and variation (3H). Ch.3I addresses revocation of partnership plans.

Chapter 3J, sub-sections 1-3 describe the requirement of the LTA to report on the delivery of each partnership scheme on an annual cycle (previous 12 months), that include the preparation and publication of a report of the effectiveness of the scheme, and the requirement to consult with the traffic commissioner in the preparation of that report.

Chapter 3K - L addresses the information requirements of BSIPs. This includes the requirement for bus operators provide supporting information and data where it is appropriate to prepare, review and update partnership plans. LTA requests must be defined and relevant to the function being exercised. ss4-7 define the use, storage and disclosure of this data. Ss8 other uses or disclosure of data may constitute an offence. Ch3L defines relationships between LTAs where BSIPs exist across LTA boundaries.

**Section 36 of the 2019 Act** addresses the procedures applicable to the delivery of BSIPs. The section comprises Schedule A1, as an insert to the 2001 Act, split into 4 parts<sup>2</sup>:

- Part 1 Making,
- Part 2 Variation,
- Part 3 Revocation, and
- Part 4 Powers of Scottish Ministers

### Pt. 1: Making

Comprises sections 1 - 10 addressing the processes for the development of a BSIP. S1 - 2 address the meaning and preliminary notice required in the making of a BSIP. S3, after giving notice under s2, the LTA is required to invite all operators to participate in the preparation of a proposal, and collaborate with invited persons in the preparation of the proposal.

Sections 4 and 5 define notice and objection periods, and the effect of objections on the BSIP proposal.

Section 6 addresses required notice of, consultation on, the partnership proposal. S7 addresses the same aspects for modification(s). S8 sets out the requirements for giving notice, and requirements for giving notice. S9 and 10 define actions specific to postponing the scheme.

### Pt. 2: Variation

Comprises sections 11 - 20 addressing the processes to vary a BSIP partnership plan. Structure, definitions, preparation, consultation and notice periods s11-16 follow a similar pattern to those described in part 1, making, set out above, and follow the same logic unless indicated otherwise. Similarly s17 addresses notice of modification, and implementation in S18, making the variation. S19 and 20 provide a structure for postponement of variations.

### Pt. 3: Revocation

This part outlines the process to revoke a partnership plan / scheme, developed under 31. The sections provide for notice s21, and consultation s22. Consultees are listed in s22, and include: operators, user representative organisations, other LTA / RTP, traffic commissioner, police, competition and markets authority, and others, to be defined by the LTA.

S23 - 25 where considered appropriate following consultation, the LTA may revoke a BSIP where notice is given s23; to take effect as per s25.

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<sup>2</sup> Parts 1 - 4 under section 36 of the 2019 Act relate to the numbering system applied to the Transport (Scotland) Act 2001



### Pt. 4: Scottish Ministers powers

s26 defines the powers of ministers to specify descriptions of local services; de minima persons required for consultations, and qualifying times therefor.

**Section 37 of the 2019 Act** addresses the registration of local services, including the functions of the traffic commissioner. The section adds two new sub sections to section six, subsection 2, (2Za) and subsection 7 (7ZA), and amends section 6 of the Transport Act 1985 to include four further lettered subsections (6K - 6N).

Subsection 6K defines the process for applications for service registration under a BSIP, where service standards are defined, and would, but for this section, fail. The section defines a requirement of the traffic commissioner to refuse applications where operational service standards were felt, by the traffic commissioner, were unlikely to be provided ('the operator would be unlikely to be able to comply with the service standard').

Sections 6L to 6N address ministerial powers to cancel services, regulate services against appeal to the traffic commissioner, and powers to scrutinise operations of BSIPs.

Section 6N subsection 2 Outlines how the traffic commissioner may investigate the actions of the LTA, and require provision of information to the commissioner, within a timescale defined under 6N ss.3, reported as defined in 6N ss.4 and 5.

**Section 38 of the 2019 Act** addresses franchising arrangements for local bus services. The section substitutes sections 13 - 27 of the 2001 Act, and is numbered accordingly. The section is split into chapters, sections and subsections. Chapter 2 is entitled Local Service Franchises and contains sections 13A - 13T.

Section 13A provides authority for LTAs to make a franchising framework for local services, under which the LTA may determine: what transport services are to be provided; standards to which services will be required to be provided; and any additional facilities or services that are to be provided in the area to which the framework relates. Franchise agreements provide exclusive rights to operate local services, and may, but need not, (ss.5) include payments by the LTA.

S13B ss.1-5 provides structure for service registration, and exclusion.

Section 13C - 13K relate to the process for making franchising frameworks, and divide: 13C, Overview; 13D Proposals; 13E, Assessment; 13F, Audit; 13G, Consultation; 13H, Modification; 13I, Applications for approval; 13J Approval; and 13K Making (application); respectively. Detail of the process include (13C s1 ss. c - g) Audit report; consultation; modification; approval; and process, as set out under the subsequent headings S13D - K.

Section 13L relates to the methods of entering franchise agreements. Ss 2 and 3 provide authority to enter franchise, and nature of operator licence required - (ss3a) an unconditional PSV operator's licence; or (ss3b) a community bus permit. Notice requirements are defined under ss4 and 5.

Sections 13M - 13T relate to the postponement, variation and revocation of franchise frameworks. The LTA is permitted to postpone commencement by a period no greater than 12 months (13M) where appropriate notice is given (ss 3, 4), with Scottish ministers able to make regulations amending the notice or maximum period of postponement (ss5). Sections 13N and O detail the process for an LTA to gain approval for variation or revocation of a franchising framework; and basis for approvals, for any such variation or revocation.

Section 13P defines requirements for the reporting on franchising frameworks, requiring the LTA publish a report on the effectiveness of each framework, and the nature such a report.

**Section 39 of the 2019 Act** addresses the provision of information when varying or cancelling registration. The section differs from s40, which also addresses information, insofar as this section is specific to information provision by operators to authorities in respect of route variation. The section inserts text after section 6 of the Transport Act 1985, inserting section 6ZA - 6ZC. The sections apply following an operator's variation or cancellation of a route registration, and defines the nature of information that may be prescribed, by the LTA, as:

s.6ZA ss.3 the number of passengers using the service, the journeys made by those passengers and the fares paid by them, and (b) the revenue obtained by operating the service.

Information may be required as for s.6ZA ss.4 (a) for the purposes of the affected authority exercising their functions under section 9A of the Transport Act 1968 or, as the case may be, section 63 of this Act, and (b) in respect of (i) the period of 12 months ending on the day on which the requirement is made, or (ii) where the service has not operated for the whole of the period of 12 months preceding the day on which the requirement is made, the period of operation up to the day on which the requirement is made.

s.6ZB defines the extent to which the affected authority may disclose information obtained, s.6Zc, the requirement to consult and processes for regulation.

**Section 40 of the 2019 Act** addresses the provision of information about bus services. The section relates to route information and differs from s.39, in that it relates to information that may be made public to users (prospective users) of that service. The section inserts text after s.35 of the 2001 Act.

s.35A ss3 defines information falling within the section as: information about:

- a. routes, stopping places, timetables, fares and tickets,
- b. changes or proposed changes to routes, stopping places, timetables, fares and tickets, and
- c. the operation of services including:
  - i. real time information about the location of vehicles operating the services and the times at which they stop, or are expected to stop, at stopping places, and
  - ii. information about the operation of services in the past.

Regulations made under this provision support the nature of information provision, to whom, when and how (media); and its limitations ss.5, provision permitted to Scottish Ministers, LTAs, secretary of state, and a prescribed person, being has an interest in facilities, information dissemination or service use.

### A1.4 Part 4: Ticketing arrangements

Part 4 of the Act is concerned with ticketing arrangements and ticketing schemes, and amends the Transport (Scotland) Act 2001 to provide for the establishment of a National Smart Ticketing Advisory Board to address national technological standards for smart ticketing. The 2001 Act is also amended to permit Ministers to be able to direct a local transport authority to exercise powers to make or vary a ticketing scheme.

Part 4 is divided into eight sections (41-48), providing amendments and insertions to the 2001 Act.

Section 41 is concerned with the definition of ticketing arrangements, and inserts text after section 27 of the 2001 Act.

s.27A of the 2001 Act defines “ticketing arrangements” and other terms. It also inserts a new Chapter heading to group together the existing provisions on ticketing arrangements and schemes. ss.1 (a) to (c) define individual trips by single operators. ss1(d) extends ticketing arrangements to include arrangements where a person can travel on a local bus service and on a connecting rail or ferry service.

s.27A ss2 defines “smart ticketing arrangements”. These are ticketing arrangements where the proof of a person’s right to travel can be held or produced by the person in electronic form. For example, arrangements where a person’s ticket can be stored on a smartcard or an app on a mobile phone would be smart ticketing arrangements. Ticket arrangements that are put in place by operators can still be smart ticketing arrangements even if they allow for paper tickets as well as electronic ones.

s.27A ss3-4 set out the meaning of “connecting rail or ferry service” which is used in the definition of “ticketing arrangements” and elsewhere.

s.27A ss5-6 give the Scottish Ministers the power to add new types of arrangements to the definition of “ticketing arrangements”. These arrangements must involve travel on a local service and on a service of another kind specified in the regulations.

Sections 42 and 43 both relate to the development of smart ticketing, section 42 the development of a national standard for smart ticketing, and s.43 establishing a National Smart Ticketing Advisory Board.

Section 44 amends s.29 of the 2001 act, to ensure provision and use of a national standard for smart tickets, the requirements that may be defined in a ticketing scheme including payment, evidence (of ticketing), publicity and/or ticket style / appearance.

Sections 45 to 48 address powers of Scottish Ministers, Reporting, Application and Guidance respectively.

### A1.5 Part 5: Travel concession schemes, application to community transport

Section 49 amends section 93 of the Transport Act 1985 in relation to the Scottish Travel Concessionary Scheme. The sections defines a requirement for Scottish

Ministers to carry out an assessment of the costs and benefits of extending the current scheme to community bus services as well as other services as Ministers see fit.

### A1.6 Part 6: Parking Prohibitions

Sections 50 - 69 are concerned with parking. The first of these addresses parking prohibitions, including pavement parking, double parking, and dropped footway parking; and the associated powers of enforcement and removal.

s.50 sets out a kerb parking prohibition, and its exemptions (s.51-53). s.54 details prohibitions for double parking, and its exemptions (s.55). s.56 defines dropped footway parking prohibitions, and its exemptions (s.57).

s.58 permits Local Authorities to issue penalty charges for any contraventions, and their enforcement (s.59), including use of installed devices (s.60); and the removal of motor vehicles parked contrary to parking prohibitions (s.61, 62), and their disposal (s.63, 64). Information may be shared between local authorities, the secretary of state, enforcement agencies and as specified in Scottish Ministers regulations (s.65). Ministerial direction, guidance and interpretation are defined in s.67-69.

### A1.7 Part 7: Workplace Parking

Part 7 comprises sections 70 -89 of the act. It provides for the licensing of workplace parking schemes; the powers and processes associated with making and modifying schemes; regulation by Ministers; financial provisions; and enforcement. s.71 sets out definitions specific to workplace parking schemes. s.72, discretionary powers for local authorities to establish a Workplace Parking Levy (WPL), a devolved revenue-raising measure which promotes local decision making and allows councils to implement initiatives that best work with the specific considerations of their area.

Consultation and impact assessment requirements are defined in s.73; ministerial powers under s.74; and the treatment of applications under s.75. Licensing requirements and exemptions are defined under s76-79, including exemptions (s.78 and 79).

Powers to define charges, their application and accounting are defined in s.80,81, and 82, respectively; with penalty charges and enforcement addressed in s.83-87. s88 addresses crown land, and s89 interpretation.

### A1.8 Part 8: Recovery of unpaid parking charges

The final parking sections (s.90-108) are concerned with the processes to be followed in connection with the recovery of unpaid parking charges.

This part of the Act includes powers to recover parking charges on land other than public roads and parking places not subject to control by the Secretary of State, the Scottish Ministers or a local authority.

### A1.9 Part 9: Road Works

Sections 109-119 address regulation of roadwork, the status of the Scottish Road Works Commissioner (s.109); inspection and compliance. Part 9 amends earlier legislation, including the Transport (Scotland) Act 2005 and the New Roads and Street Works Act 1991.

The sections include the mandatory requirement for road workers and supervisors to be qualified to a suitable scheme level, and safety standards, from s.115.

Reinstatement Quality Plans are introduced under s.118, and updates to the Scottish Road Work Register, s.119, to include all plant within the road corridor, to be recorded on a sub-system, called VAULT.

### A1.10 Part 10: Miscellaneous and General

Sections 120 - 131 address a series of miscellaneous provisions.

Sections 120 and 121 regulate the duties, of health boards, to have regard to community benefit in Non-Emergency Patient Transport (s.120), and the duty to work with community transport bodies.

Before entering into a contract for the provision of non-emergency patient transport services, each health board must have regard to the extent to which the contract will improve the economic, social or environmental wellbeing of the board's area in a way additional to the main purpose of the contract in which the requirement is included.

Section 121 define the duty of a health board to engage with community transport as may be appropriate to its transport need.

Other sections of the Act are not directly related to the operation or development of bus services and have been omitted from this summary.