

Transport (Scotland) Bill

4th Marshalled List of Amendments for Stage 2

The Bill will be considered in the following order—

Sections 1 to 71
Sections 72 to 75

Schedule
Long Title

Amendments marked * are new (including manuscript amendments) or have been altered.

After section 58

Murdo Fraser

260 After section 58, insert—

<PART

RECOVERY OF UNPAID PARKING CHARGES

Application

Application of Part

- (1) This Part applies where—
 - (a) the driver of a vehicle is required by virtue of a relevant obligation to pay parking charges in respect of the parking of the vehicle on relevant land, and
 - (b) those charges have not been paid in full.
- (2) It is immaterial for the purposes of this Part whether or not the vehicle was permitted to be parked (or to remain parked) on the land.>

Murdo Fraser

261 After section 58, insert—

<*Key concepts*

Meaning of “relevant obligation”

In this Part, “relevant obligation” means—

- (a) an obligation arising under the terms of a relevant contract, or
- (b) an obligation arising, in circumstances in which there is no relevant contract, as a result of a trespass or other delict committed by parking the vehicle on the relevant land.>

Murdo Fraser

262 After section 58, insert—

<Meaning of “parking charge”

- (1) In this Part, “parking charge” means—
 - (a) in the case of a relevant obligation arising under the terms of a relevant contract, a sum in the nature of a fee or charge,
 - (b) in the case of a relevant obligation arising as a result of a trespass or other delict, a sum in the nature of damages,however the sum in question is described.
- (2) The reference to a sum in the nature of damages is to a sum of which adequate notice was given to drivers of vehicles (when the vehicle was parked on the relevant land).
- (3) For the purposes of subsection (2), “adequate notice” means notice given by—
 - (a) the display of one or more notices in accordance with any applicable requirements prescribed in regulations under section (*Fourth condition: display of notices on relevant land*) for, or for purposes including, the purposes of subsection (2), or
 - (b) where no such requirements apply, the display of one or more notices which—
 - (i) specify the sum as the charge for unauthorised parking, and
 - (ii) are adequate to bring the charge to the notice of drivers who park vehicles on the relevant land.>

Murdo Fraser

263 After section 58, insert—

<Meaning of “relevant contract”

In this Part, “relevant contract” means a contract (including a contract arising only when the vehicle was parked on the relevant land) between the driver and a person who is—

- (a) the owner or occupier of the land, or
- (b) authorised, under or by virtue of arrangements made by the owner or occupier of the land, to enter into a contract with the driver requiring the payment of parking charges in respect of the parking of the vehicle on the land.>

Murdo Fraser

264 After section 58, insert—

<Meaning of “relevant land”

- (1) In this Part, “relevant land” means any land (including land above or below ground level) other than—
 - (a) a public road within the meaning of section 151(1) of the Roads (Scotland) Act 1984,
 - (b) a parking place which is provided or controlled by the Secretary of State, the Scottish Ministers or a local authority,
 - (c) any land, not falling within paragraph (a) or (b), on which the parking of a vehicle is subject to statutory control.

- (2) In subsection (1)(b), “parking place” has the meaning given by section 32(4)(b) of the Road Traffic Regulation Act 1984.
- (3) For the purposes of subsection (1)(c), the parking of a vehicle on land is “subject to statutory control” if any enactment imposes a liability (whether criminal or civil, and whether in the form of a fee or charge or a penalty of any kind) in respect of the parking on that land of vehicles generally or of vehicles of a description that includes the vehicle in question.>

Murdo Fraser

265 After section 58, insert—

<Right to recover unpaid charges from keeper of vehicle

Right in certain circumstances to recover from keeper of vehicle

- (1) The creditor has the right to recover any unpaid parking charges from the keeper of the vehicle.
- (2) The right under this section applies only if—
 - (a) the conditions specified in sections (*First condition: lack of knowledge of driver’s name and address*), (*Second condition: giving of notices to driver and keeper*), (*Third condition: keeper’s details obtained from Secretary of State*) and (*Fourth condition: display of notices on relevant land*) (so far as applicable) are met, and
 - (b) the vehicle was not a stolen vehicle at the beginning of the period of parking to which the unpaid parking charges relate.
- (3) For the purposes of the condition in subsection (2)(b), the vehicle is to be presumed not to be a stolen vehicle at the material time, unless the contrary is proved.
- (4) The right under this section may only be exercised after the end of the period of 28 days beginning with the day on which the notice to keeper is given.
- (5) The Scottish Ministers may by regulations prescribe a description of an amount as the maximum that may be recovered from a keeper by virtue of the right conferred by this section.
- (6) Nothing in this section affects any other remedy the creditor may have against the keeper of the vehicle or any other person in respect of any unpaid parking charges (but this is not to be read as permitting double recovery).
- (7) The right under this section is subject to section (*No right to recover from vehicle-hire firm*) (which provides for the right not to apply in certain circumstances in the case of a hire vehicle).>

Murdo Fraser

266 After section 58, insert—

<First condition: lack of knowledge of driver’s name and address

- (1) The first condition for the purposes of section (*Right in certain circumstances to recover from keeper of vehicle*) is that the creditor—
 - (a) has the right to enforce against the driver of the vehicle the requirement to pay the unpaid parking charges, but

- (b) is unable to take steps to enforce that requirement against the driver because the creditor does not know both the name of the driver and an address at which the driver for the time being resides or can conveniently be contacted.
- (2) Subsection (1)(b) ceases to apply if, at any time after the end of the period of 28 days beginning with the day on which the notice to keeper is given, the creditor begins proceedings to recover the unpaid parking charges from the keeper.>

Murdo Fraser

267 After section 58, insert—

<Second condition: giving of notices to driver and keeper

- (1) The second condition for the purposes of section (*Right in certain circumstances to recover from keeper of vehicle*) is that the creditor (or a person acting for or on behalf of the creditor)—
 - (a) has given a notice to driver in accordance with section (*Giving of notice to driver*), followed by a notice to keeper in accordance with section (*Giving of notice to keeper following giving notice to driver*), or
 - (b) has given a notice to keeper in accordance with section (*Giving of notice to keeper without giving notice to driver*).
- (2) If a notice to driver has been given, any subsequent notice to keeper must be given in accordance with section (*Giving notice to keeper following giving notice to driver*).>

Murdo Fraser

268 After section 58, insert—

<Giving of notice to driver

- (1) A notice which is to be relied on as a notice to driver for the purposes of section (*Second condition: giving of notices to driver and keeper*)(1)(a) is given in accordance with this section if the following requirements are met.
5
- (2) The notice contains such information as the Scottish Ministers may by regulations prescribe.
- (3) The notice relates only to a single period of parking (but this does not prevent the giving of separate notices each specifying different parts of a single period of parking).
- (4) The notice is given—
10
 - (a) before the vehicle is removed from the relevant land after the end of the period of parking to which the notice relates, and
 - (b) while the vehicle is stationary,by affixing it to the vehicle or by handing it to the person appearing to be in charge of the
15 vehicle.>

Pauline McNeill

268A As an amendment to amendment 268, line 15, at end insert—

- <(5) A notice must not be given under this section by a person who is not acting in the course of employment by a public body,

- (6) For the purposes of this section, “public body” means any of the following—
- (a) a Minister of the Crown,
 - (b) the Scottish Ministers,
 - (c) a local authority,
 - (d) the Police Service of Scotland,
 - (e) a person established by an enactment,
 - (f) a body comprised solely of persons described by this subsection,
 - (g) a body corporate that has no members other than (either or both)—
 - (i) persons described by this subsection,
 - (ii) persons acting on behalf of persons described by this subsection.
- (7) The Scottish Ministers may by regulations make such modifications to this section as they consider appropriate.>

Murdo Fraser

269 After section 58, insert—

<Giving of notice to keeper following giving notice to driver

- (1) A notice which is to be relied on as a notice to keeper for the purposes of section (*Second condition: giving notices to driver and keeper*)(1)(a) is given in accordance with this section if the following requirements are met.
- (2) The notice contains such information as the Scottish Ministers may by regulations prescribe.
- (3) The notice relates only to a single period of parking (but this does not prevent the giving of separate notices each specifying different parts of a single period of parking).
- (4) The notice is given to the keeper, by such means as the Scottish Ministers may by regulations prescribe, within the period of 28 days beginning within the day after that on which the notice to driver was given.
- (5) When it is given, the notice is accompanied by any evidence prescribed under section (*Notices to keeper: accompanying evidence*).>

Murdo Fraser

270 After section 58, insert—

<Giving of notice to keeper without giving notice to driver

- (1) A notice which is to be relied on as a notice to keeper for the purposes of section (*Second condition: giving of notices to driver and keeper*)(1)(b) is given in accordance with this section if the following requirements are met.
- (2) The notice contains such information as the Scottish Ministers may by regulations prescribe.
- (3) The notice relates only to a single period of parking (but this does not prevent the giving of separate notices each specifying different parts of a single period of parking).

- (4) The notice is given to the keeper, by such means as the Scottish Ministers may by regulations prescribe, within the period of 14 days beginning with the day after that on which the period of parking to which the notice relates ended.
- (5) When it is given, the notice is accompanied by any evidence prescribed under section (*Notices to keeper: accompanying evidence*).>

Murdo Fraser

271 After section 58, insert—

<Notices to keeper: accompanying evidence

- (1) The Scottish Ministers may by regulations prescribe evidence which must accompany a notice which is to be relied on as a notice to keeper for the purposes of section (*Second condition: giving of notices to driver and keeper*)(1)(a) or section (*Second condition: giving of notices to driver and keeper*)(1)(b) (as the case may be).
- (2) The regulations may, in particular, make provision as to—
 - (a) the means by which any prescribed evidence is to be generated or otherwise produced (which may include a requirement to use equipment of a kind approved for the purpose by a person specified in the regulations), or
 - (b) the circumstances in which any evidence is, or is not, required to accompany a notice to keeper.>

Murdo Fraser

272 After section 58, insert—

<Third condition: keeper’s details obtained from Secretary of State

- (1) The third condition for the purposes of section (*Right in certain circumstances to recover from keeper of vehicle*) is that—
 - (a) the creditor (or a person acting for or on behalf of the creditor) has made an application for the keeper’s details in relation to the period of parking to which the unpaid parking charges relate,
 - (b) the application was made during the period mentioned in section (*Giving of notice to keeper following giving notice to driver*)(4) (where notice to the driver has been given) or (*Giving of notice to keeper without giving notice to driver*)(4) (where no notice to the driver has been given), and
 - (c) the information sought by the application is provided by the Secretary of State to the applicant.
- (2) The third condition applies only if the vehicle is a registered vehicle.
- (3) In subsection (1)(a), “application for the keeper’s details” means an application for the following information to be provided to the applicant by virtue of regulations made under section 22(1)(c) of the Vehicle Excise and Registration Act 1994—
 - (a) the name of the registered keeper of the vehicle during the period of parking to which the unpaid parking charges relate, and
 - (b) the address of that person as it appears on the register (or, if that person has ceased to be the registered keeper, as it last appeared on the register).>

Murdo Fraser

273 After section 58, insert—

<Fourth condition: display of notices on relevant land

- (1) The fourth condition for the purposes of section (*Right in certain circumstances to recover from keeper of vehicle*) is that any applicable requirements prescribed under this section were met as regards the relevant land at the beginning of the period of parking to which the unpaid parking charges relate.
- (2) The Scottish Ministers may by regulations prescribe requirements as to the display of notices in relevant land where parking charges may be incurred in respect of the parking of vehicles on the land.
- (3) The provision made under subsection (2) may, in particular, include provision—
 - (a) requiring notices of more than one kind to be displayed on relevant land,
 - (b) as to the content or form of any notices required to be displayed,
 - (c) as to the location of the notices required to be displayed.>

Murdo Fraser

274 After section 58, insert—

<Hire vehicles

No right to recover from vehicle-hire firm

- (1) This section applies in the case of parking charges incurred in respect of the parking of a vehicle on relevant land if—
 - (a) the vehicle was at the time of parking hired to any person under a hire agreement with a vehicle-hire firm, and
 - (b) the keeper has been given a notice to keeper within the period mentioned in section (*Giving of notice to keeper following giving notice to driver*)(4) or (*Giving of notice to keeper without giving notice to driver*)(4) (as the case may be).
- (2) The creditor may not exercise the right under section (*Right in certain circumstances to recover from keeper of vehicle*) to recover from the keeper any unpaid parking charges specified in the notice to keeper if, within the period of 28 days beginning with the day after that on which that notice was given, the creditor is given—
 - (a) a statement signed by or on behalf of the vehicle-hire firm to the effect that at the material time the vehicle was hired to a named person under a hire agreement,
 - (b) a copy of the hire agreement, and
 - (c) a copy of a statement of liability signed by the hirer under that hire agreement.
- (3) The statement of liability required by subsection (2)(c) must—
 - (a) contain a statement by the hirer to the effect that the hirer acknowledges responsibility for any parking charges that may be incurred with respect to the vehicle while it is hired to the hirer,
 - (b) include an address given by the hirer (whether a residential, business or other address) as one at which documents may be given to the hirer,(and it is immaterial whether the statement mentioned in paragraph (a) relates also to other charges or penalties of any kind).

- (4) A statement required by subsection (2)(a) or (c) must be in such form as the Scottish Ministers may by regulations prescribe.
- (5) The giving of documents referred to in subsection (2) must be by such means as the Scottish Ministers may by regulations prescribe.
- (6) In this section—
 - (a) “hire agreement” means an agreement which—
 - (i) provides for a vehicle to be let to a person (“the hirer”) for a period of any duration (whether or not the period is capable of extension by agreement between the parties), and
 - (ii) is not a hire-purchase agreement within the meaning of the Consumer Credit Act 1974,
 - (b) any reference to the currency of a hire agreement includes a reference to any period during which, with the consent of the vehicle-hire firm, the hirer continues in possession of the vehicle as hirer, after the expiry of any period specified in the agreement but otherwise on terms and conditions specified in it, and
 - (c) “vehicle-hire firm” means any person engaged in the hiring of vehicles in the course of a business.>

Murdo Fraser

275 After section 58, insert—

<Right to recover from hirer

- (1) If—
 - (a) the creditor is by virtue of section (*No right to recover from vehicle-hire firm*)(2) unable to exercise the right to recover from the keeper any unpaid parking charges mentioned in the notice to keeper, and
 - (b) the conditions mentioned in subsection (2) are met,
 the creditor may recover those charges (so far as they remain unpaid) from the hirer.
- (2) The conditions are that—
 - (a) the creditor has within the relevant period given the hirer a notice in accordance with subsection (5) (a “notice to hirer”), together with a copy of the documents mentioned in section (*No right to recover from vehicle-hire firm*)(2) and the notice to keeper,
 - (b) a period of 21 days beginning with the day on which the notice to hirer was given has elapsed, and
 - (c) the vehicle was not a stolen vehicle at the beginning of the period of parking to which the unpaid parking charges relate.
- (3) In subsection (2)(a), “the relevant period” is the period of 21 days beginning with the day after that on which the documents required by section (*No right to recover from vehicle-hire firm*)(2) are given to the creditor.
- (4) For the purposes of subsection (2)(c) a vehicle is presumed not to be a stolen vehicle at the material time, unless the contrary is proved.
- (5) The notice to hirer must contain such information as the Scottish Ministers may by regulations prescribe.

- (6) The giving of documents referred to in subsection (2)(a) must be by such means as the Scottish Ministers may by regulations prescribe.
- (7) In this section, “the hirer” means the person who is the hirer in relation to the vehicle as referred to in section (*No right to recover from vehicle-hire firm*).>

Murdo Fraser

276 After section 58, insert—

<Military vehicles

Military vehicles

This Part does not apply in relation to a vehicle that—

- (a) at the relevant time is used or appropriated for use for naval, military or air force purposes, or
- (b) belongs to any visiting forces (within the meaning of the Visiting Forces Act 1952) or is at the relevant time used or appropriated for use by such forces.>

Murdo Fraser

277 After section 58, insert—

<General

Power to modify Part

- (1) The Scottish Ministers may by regulations modify this Part for the purpose of—
 - (a) amending the definition of “relevant land” in section (*Meaning of “relevant land”*),
 - (b) adding to, removing or amending any of the conditions to which the right conferred by section (*Right in certain circumstances to recover from keeper of vehicle*) is for the time being subject.
- (2) The power to modify this Part for the purpose mentioned in subsection (1)(b) includes, in particular, power to add to, remove or amend—
 - (a) any provisions that are applicable for the purposes of a condition, and
 - (b) any powers of the Scottish Ministers to prescribe anything for the purposes of a condition by regulations.>

Murdo Fraser

278 After section 58, insert—

<Interpretation of Part

In this Part—

“the creditor” means the person who is for the time being entitled to recover unpaid parking charges from the driver of the vehicle,

“driver” includes, where more than one person is engaged in the driving of the vehicle, any person so engaged,

“keeper” means the person by whom the vehicle is kept at the time the vehicle was parked, which in the case of a registered vehicle is to be presumed, unless the contrary is proved, to be the registered keeper,

“notice to driver” means a notice given in accordance with section (*Giving of notice to driver*),

“notice to keeper” means a notice given in accordance with section (*Giving of notice to keeper following giving notice to driver*) or (*Giving of notice to keeper without giving notice to driver*) (as the case may be),

“registered address” means, in relation to the keeper of a registered vehicle, the address described in section (*Third condition: keeper’s details obtained from Secretary of State*)(3)(b) (as provided by the Secretary of State in response to the application for the keeper’s details required by section (*Third condition: keeper’s details obtained from Secretary of State*),

“registered keeper”, in relation to a registered vehicle, means the person in whose name the vehicle is registered,

“registered vehicle” means a vehicle which is for the time being registered under the Vehicle Excise and Registration Act 1994,

“vehicle” means a mechanically-propelled vehicle or a vehicle designed or adapted for towing by a mechanically-propelled vehicle.>

Pauline McNeill

319 After section 58, insert—

<Prohibition on recovery of unpaid parking charges by private companies

- (1) An unpaid parking charge must not be recovered by a person who is not acting in the course of employment by a public body.
- (2) For the purposes of this Part, “public body” means any of the following—
 - (a) a Minister of the Crown,
 - (b) the Scottish Ministers,
 - (c) a local authority,
 - (d) the Police Service of Scotland,
 - (e) a person established by an enactment,
 - (f) a body comprised solely of persons described by this subsection,
 - (g) a body corporate that has no members other than (either or both)—
 - (i) persons described by this subsection,
 - (ii) persons acting on behalf of persons described by this subsection.
- (3) The Scottish Ministers may by regulations make such modifications to this section as they consider appropriate.>

Jamie Greene

316 After section 58, insert—

<PART

ENFORCEMENT OF PARKING REGULATION IN THE VICINITY OF SCHOOLS

Enforcement of parking regulation in the vicinity of schools

- (1) The Scottish Ministers must by regulations make provision for the regulation of parking in the vicinity of schools.
- (2) The regulations are to—
 - (a) provide that a vehicle parked in the vicinity of a school in specified circumstances, and at specified times, is deemed to be causing an obstruction hazardous to other road or footway users,
 - (b) specify the circumstances in which a vehicle is so parked,
 - (c) specify days and times, being days and times when pupils are likely to be entering or leaving the school, during which a vehicle so parked is to be deemed as described in paragraph (a),
 - (d) specify the meaning of "vicinity of a school" for the purposes of this section,
 - (e) make provision about the powers of constables to enforce the regulations,
 - (f) make provision such that those powers apply whether or not the school is in an area designated as a permitted parking area and a special parking area by the Scottish Ministers by order in exercise of the powers conferred by paragraphs 1(1), 2(1) and 3(3) of schedule 3 of the Road Traffic Act 1991,
 - (g) make such other provision as the Scottish Ministers consider necessary or expedient for the purpose of the regulation of parking in the vicinity of schools.
- (3) The Scottish Ministers must lay a draft of the first regulations under this section before the Scottish Parliament no later than 1 year after the day of Royal Assent.
- (4) In this section—

“constable” has the meaning given by section 99(1) of the Police and Fire Reform (Scotland) Act 2012,

“school” has the meaning given in section 135(1) of the Education (Scotland) Act 1980.>

Jeremy Balfour

259 After section 58, insert—

<PART

DUTY TO CONSULT ACCESS PANELS

Duty to consult access panels

- (1) This section applies where a local roads authority makes an order under section 1(1) of the Roads (Scotland) Act 1984 to alter, widen, improve or renew any road for the purposes of making the road, or any part of the road, a cycle track.
- (2) Before making an order mentioned in subsection (1), a local roads authority must consult the access panel for their local authority area.

(3) In this section—

“access panel” means a group of volunteers including disabled people, residing in a local authority area, whose aim is to improve access and independent living in their local communities,

“cycle track” has the meaning given by section 151(1) of the Roads (Scotland) Act 1984,

“local roads authority” has the meaning given by section 151(1) of the Roads (Scotland) Act 1984,

“road” has the meaning given by section 151(1) of the Roads (Scotland) Act 1984.>

Section 61

Michael Matheson

164 In section 61, page 72, line 25, leave out <153G> and insert <153H>

Section 62

Jamie Greene

320 In section 62, page 73, line 13, at end insert—

<() in paragraph 12—

(i) in sub-paragraph (1), for “sub-paragraph (2)” substitute “sub-paragraphs (1A) and (2)”,

(ii) after sub-paragraph (1) insert—

“(1A) Five per cent (or such higher percentage as the Scottish Ministers may by regulations prescribe) of the money received by—

(a) a road works authority by way of fixed penalties under this schedule is to be retained by them,

(b) the Commissioner by way of fixed penalties under this schedule and remitted to the Scottish Ministers is to be allocated by the Scottish Ministers to road works authorities.

(1B) Money retained or allocated in accordance with sub-paragraph (1A) is to be used by road works authorities solely for the purposes of improving the repair and maintenance of roads.”,

(iii) in sub-paragraph (2), after “money” insert “(being, in the case of a road works authority, a sum in addition to any amount retained by them under sub-paragraph (1A)(a))”,>

After section 62

Michael Matheson

165 After section 62, insert—

<Functions in relation to the Scottish Road Works Register

- (1) Section 112A of the New Roads and Street Works Act 1991 (the Scottish Road Works Register) is amended as follows.
- (2) For subsections (6) and (7) substitute—
 - “(6A) The Commissioner is to—
 - (a) make publically available, in such form and manner as the Commissioner considers appropriate—
 - (i) information contained in the SRWR relating to the timing, location, duration and purpose of works in roads, and
 - (ii) such other information contained in the SRWR as the Scottish Ministers may prescribe, and
 - (b) make information contained in the SRWR available to—
 - (i) any person having authority to execute works of any description in a road, or
 - (ii) any person who does not have that authority, but who appears to the Commissioner to have sufficient interest in the information to be permitted to access it.”.>

Section 65

Michael Matheson

166 In section 65, page 74, line 32, at end insert—

- <() works (other than road works within the meaning of section 107(3) of the New Roads and Street Works Act 1991) in or on a road or works which otherwise involve a person placing or depositing anything on a road so as to cause an obstruction—
- (i) to which the requirements of section 60(1)(b) or (c) apply, and
 - (ii) which involve the placing of lights, fences, barriers or signs on a carriageway,>

Section 66

Jamie Greene

325 In section 66, page 77, line 7, at end insert—

<() After section 113 insert—

“113A Proposed delays to works

- (1) The Scottish Ministers must by regulations make provision for a proposed delay to certain road works to be subject to approval.
- (2) Without prejudice to that generality, regulations under subsection (1) must make provision such that—
 - (a) where an undertaker has given advance notice of works under section 113, and

- (b) the undertaker proposes to delay the day on or time at which the works are to start,
the proposed delay requires the approval of the Commissioner and the road works authority.
- (3) Regulations under subsection (1) may provide that the requirement for approval of any proposed delay does not apply where the undertaker satisfies the Commissioner and the road works authority that the reason for the proposed delay is one of public safety.
- (4) Regulations under subsection (1) may include provision—
 - (a) about the manner in which approval for a proposed delay is to be sought, considered and given,
 - (b) specifying how the proposed delay and any approval of it is to be—
 - (i) entered in the SRWR,
 - (ii) otherwise publicised.
- (5) Regulations under subsection (1) are subject to the affirmative procedure.”.>

Before section 69

Jeremy Balfour

255 Before section 69, insert—

<Regional Transport Partnerships: membership

Regional Transport Partnerships: membership

- (1) Section 1 of the Transport (Scotland) Act 2005 (establishment of regional Transport Partnerships) is amended as follows—
- (2) After subsection (2)(c)(ii) insert “; and
 - (iii) that each Transport Partnership includes two or more members who have a disability arising from a physical or mental impairment (construed in accordance with section 31 of the Social Security (Scotland) Act 2018).”.>

Rachael Hamilton

326 Before section 69, insert—

<Health boards: duty to have regard to community benefit in non-emergency patient transport contracts

Health boards: duty to have regard to community benefit in non-emergency patient transport contracts

Before entering into a contract for the provision of non-emergency patient transport services, each health board (or, as the case may be, health and social care partnership) 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.>

Rachael Hamilton

327 Before section 69, insert—

<Health boards: duty to work with community transport bodies

Health boards: duty to work with community transport bodies

- (1) In providing non-emergency patient transport services, each health board (or, as the case may be, health and social care partnership) must work with bodies which provide community transport services in its area.
- (2) But nothing in subsection (1) requires a body which provides community transport services in its area to undertake work for which it does not have the capacity.
- (3) As soon as reasonably practicable after the end of each financial year, each health board or partnership must publish a report setting out—
 - (a) the steps it has taken to comply with the duty in subsection (1),
 - (b) its position on the extent to which non-emergency patient transport services in its area have been—
 - (i) effective, and
 - (ii) cost effective,
 - (c) any further action it proposes to take to comply with the duty in subsection (1).
- (4) A report under subsection (3) may be published in such manner as the board or partnership considers appropriate.
- (5) In this section, “community transport services” is to be construed in accordance with section 22(1) of the Transport Act 1985, with such modifications as the Scottish Ministers may specify for community transport services that are not bus services.>

Section 69

Michael Matheson

167 In section 69, page 81, line 35, at end insert—

<() after “year” where it second occurs insert “, and of any outstanding expenses from the financial year previous to that year,”>

After section 69

Jeremy Balfour

256 After section 69, insert—

<Accessible transport framework

Accessible transport framework

- (1) In carrying out their functions, the persons mentioned in subsection (2) must have regard to the accessible transport framework.
- (2) The persons are—
 - (a) the Scottish Ministers,
 - (b) each local transport authority,

- (c) each local authority that is not a local transport authority,
 - (d) each Regional Transport Partnership,
 - (e) any other body as the Scottish Ministers may specify.
- (3) As soon as reasonably practicable after the end of each financial year, the Scottish Ministers must prepare and lay before the Parliament a report setting out the action they have taken to promote the accessible transport framework.
 - (4) The Scottish Ministers must ensure that the accessible transport framework is modified before the expiry of the 5-year period.
 - (5) In subsection (4), the “5-year period” means—
 - (a) the period of 5 years beginning with the day of Royal Assent, or
 - (b) each subsequent period of 5 years beginning with the day the accessible transport framework was last modified.
 - (6) In this section, the “accessible transport framework” is the document “Going Further: Scotland’s Accessible Transport Framework” (ISBN 978 1 909948 82 2), with such modifications made by the Scottish Ministers under subsection (4).>

After section 70

Jeremy Balfour

257 After section 70, insert—

<Accessibility of traffic lights

Accessibility of traffic lights

- (1) A traffic authority (within the meaning of section 121A of the Road Traffic Regulation Act 1984) must comply with the duty in subsection (2).
- (2) The duty is that all new traffic lights erected in a traffic authority area are accessible to a person who has a disability arising from a physical or mental impairment (construed in accordance with section 31 of the Social Security (Scotland) Act 2018).
- (3) As soon as reasonably practicable after the end of each financial year, each traffic authority must report to the Scottish Ministers on—
 - (a) how they have complied with the duty under subsection (2), and
 - (b) what steps they have taken to ensure that existing traffic lights within their area are accessible to a person who has a disability arising from a physical or mental impairment (construed in accordance with section 31 of the Social Security (Scotland) Act 2018).>
- (4) As soon as reasonably practicable after the end of each financial year the Scottish Ministers must lay before the Parliament a summary of the reports they have received under subsection (3).>

John Finnie

321 After section 70, insert—

<Certain orders under the Roads (Scotland) Act 1984: objections

Certain orders under the Roads (Scotland) Act 1984: objections

- (1) The Roads (Scotland) Act 1984 is amended as follows.
- (2) For section 152(3) there is substituted—
 - “(3) Subject to subsection (3ZB), the Scottish Ministers may by regulations prescribe the procedure to be followed when making an order under subsection (2).
 - (3ZA) Regulations under subsection (3) may, in particular, specify—
 - (a) the content of the order, and
 - (b) the manner in which public notification is to be given of any proposal to make an order.
 - (3ZB) Where a roads authority give notification that they propose to make an order under subsection (2), a person may object to the proposal, provided that such objection is submitted to the authority not later than 28 days after the day on which the authority gave notification.
 - (3ZC) A roads authority must not make an order under subsection (2) before it has considered an objection under subsection (3ZB).”.>

John Finnie

322 After section 70, insert—

<The Stopping up of Roads and Private Accesses and the Redetermination of Public Rights of Passage (Procedure) (Scotland) Regulations 1986: objections

The Stopping up of Roads and Private Accesses and the Redetermination of Public Rights of Passage (Procedure) (Scotland) Regulations 1986: objections

- (1) The Stopping up of Roads and Private Accesses and the Redetermination of Public Rights of Passage (Procedure) (Scotland) Regulations 1986 are amended as follows.
- (2) For regulation 13, there is substituted—
 - “13 Where the roads authority are a local roads authority, and an objection is made and not subsequently withdrawn, the authority must not make the order until they have considered the objection.”.
- (3) Regulations 14 and 16 are revoked.>

John Finnie

323 After section 70, insert—

<The Local Authorities’ Traffic Orders (Procedure) (Scotland) Regulations 1999

The Local Authorities’ Traffic Orders (Procedure) (Scotland) Regulations 1999

Regulation 8(1)(a)(i) of the Local Authorities’ Traffic Orders (Procedure) (Scotland) Regulations 1999 is revoked.>

John Finnie

324 After section 70, insert—

<Experimental traffic orders

Experimental traffic orders

- (1) The Road Traffic Regulation Act 1984 is amended as follows.

- (2) In section 9—
- (a) in subsection (3), at beginning there is inserted “Subject to subsection (4A),”,
 - (b) after subsection (4), there is inserted—
 - “(4A) Without prejudice to the generality of subsection (5), a council may extend an experimental traffic order by a further period of up to 18 months, or by such time as may be required to complete the process provided in regulations under subsection (4B), whichever is the longer, in order to enable—
 - (a) evaluation of the initial experiment to take place,
 - (b) sufficient time for an experimental traffic order to be made permanent.
 - (4B) The Scottish Ministers may, by regulations, prescribe a procedure for experimental traffic orders to be made permanent.”.>

Before section 71

Michael Matheson

168 Before section 71, insert—

<Individual culpability where offending by an organisation

- (1) This section applies where—
 - (a) an offence in this Act or any regulations made under it is committed by a relevant organisation, and
 - (b) the commission of the offence—
 - (i) involves consent or connivance on the part of a responsible individual, or
 - (ii) is attributable to neglect on the part of a responsible individual.
- (2) The responsible individual (as well as the relevant organisation) commits the offence.
- (3) For the purposes of this section—
 - (a) “relevant organisation” means an organisation listed in the first column of the table in paragraph (c),
 - (b) “responsible individual” means, in relation to a relevant organisation—
 - (i) an individual falling within the corresponding entry in the second column of the table in paragraph (c), or
 - (ii) an individual purporting to act in the capacity of an individual falling within the corresponding entry,
 - (c) the table is as follows—

Relevant organisation	Individual
Company as mentioned in section 1 of the Companies Act 2006	Director, manager, secretary or other similar officer Member, where the company’s affairs are managed by its members
Limited liability partnership	Member

Other partnership	Partner
Any other body or association	Individual who is concerned in the management or control of its affairs.>

Michael Matheson

169 Before section 71, insert—

<Crown application

- (1) Nothing in this Act or any regulations made under it makes the Crown criminally liable.
- (2) The Court of Session may, on an application by the Lord Advocate, declare unlawful any act or omission for which the Crown would be criminally liable if it were not for subsection (1).
- (3) Subsection (1) does not affect the criminal liability of persons in the service of the Crown.>

Schedule

Michael Matheson

170 In the schedule, page 84, line 11, after <facilities> insert <or the taking of a measure>

Michael Matheson

171 In the schedule, page 84, line 14, at end insert—

- <() In schedule 9 (variation or revocation of certain traffic regulation orders), in paragraph 27(3), for the words from “pursuant” to “scheme” substitute “or the taking of a measure pursuant to a scheme implementing a bus services improvement partnership”.>

Michael Matheson

172 In the schedule, page 84, line 20, at end insert—

- <() In section 66(1) (exclusion of powers of certain councils to run bus undertakings), for “section 71” substitute “section 2A of the Transport (Scotland) Act 2001 and sections 71 and 71A of this Act”.>

Michael Matheson

173 In the schedule, page 84, line 21, at end insert—

<() after subsection (1) insert—

- “(1A) But section 61(2) of the 1981 Act (consultation with representative organisations) does not apply to regulations made under sections 6ZA(2) or (5), 6ZB(2) or 6ZC(1) of this Act.”.>

Michael Matheson

174 In the schedule, page 85, line 2, at end insert—

<(b) after subsection (1)(b) insert—

“() failed to comply with a requirement to provide information (including a requirement to provide it within a specified time or in a specified form) under section 3JA(2) or 13QA(2),”>

Michael Matheson

175 In the schedule, page 85, line 11, at end insert—

<() in subsection (1)—

(zi) at the beginning insert “Subject to subsection (1A),”>

Michael Matheson

176 In the schedule, page 85, line 16, at end insert—

<() in the definition of “relevant general policies”, in paragraph (a)(ii)—

(A) after “relate to” insert “controlling a company that provides local services or”,

(B) for “a quality partnership scheme or a quality contract scheme” substitute “a partnership scheme or a franchising framework”,>

Michael Matheson

177 In the schedule, page 85, line 23, at end insert—

<() after subsection (1) insert—

“(1A) The definition of “traffic regulation order” in subsection (1) does not apply for the purposes of chapter 1 of this Part.”>

Michael Matheson

178 In the schedule, page 85, line 31, leave out <after “41(1)” insert “> and insert <for “41(1) of this Act” substitute “3G(4), 3H(7),>

Michael Matheson

179 In the schedule, page 85, line 32, at end insert—

<() after subsection (4)(b) insert—

“(c) regulations under section 3L(2)(c) which make provision about what may constitute a facility or measure,”>

Michael Matheson

180 In the schedule, page 86, line 18 at end insert—

<() before paragraph (a) insert—

“(za) controlling a company that provides local services,”>

Michael Matheson

181 In the schedule, page 87, line 35, leave out from beginning to end of line 2 on page 88

Michael Matheson

182 In the schedule, page 88, leave out lines 4 to 6

Michael Matheson

183 In the schedule, page 88, leave out lines 8 to 15

Section 72

Michael Matheson

184 In section 72, page 83, line 1, after <sections> insert <1(4)(a),>

Graham Simpson

29 In section 72, page 83, line 1, leave out <1(4)(b)> and insert <1(3A) and (4)(b)>

Jamie Greene

252 In section 72, page 83, line 1, after <1(4)(b)> insert <, 10(4D)>

Claudia Beamish

253 In section 72, page 83, line 1, after <1(4)(b)> insert <, (*Support for purchase and use of low emission vehicles in rural areas*)>

Claudia Beamish

254 In section 72, page 83, line 1, after <1(4)(b)> insert <, (*Low emission distribution consolidation hubs*)>

John Finnie

27 In section 72, page 83, line 1, after <47(11)> insert <and (*Exemptions etc.*)(4)>

Jamie Greene

317 In section 72, page 83, line 1, after <47(11)> insert <and (*Enforcement of parking regulation in the vicinity of schools*)>

Murdo Fraser

279 In section 72, page 83, line 1, after <47(11)> insert <and (*Power to modify Part*)(1)>

Long Title

Murdo Fraser

280 In the long title, page 1, line 5, after <parking;> insert <to make provision in connection with charges arising from parking on private land;>

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