

Transport (Scotland) Bill

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.

Before section 1

Colin Smyth

40 Before section 1, insert—

<PART

THE SCOTTISH TRANSPORT SYSTEM PRINCIPLES

The Scottish transport system principles

- (1) The Scottish Ministers, local authorities, local transport authorities and Regional Transport Partnerships are to exercise their functions in relation to transport with the objective of adhering to the principles set out in subsection (2).
- (2) The principles are that—
 - (a) transport is a key enabler for the realisation of other human rights,
 - (b) the delivery of transport is a public service and supports the common good,
 - (c) transport services are to be delivered in ways that are accessible to all,
 - (d) opportunities are to be sought to continuously improve the transport system in ways which—
 - (i) contribute towards economic and social development and the enhancement of the environment in Scotland,
 - (ii) support a reduction in poverty and inequality,
 - (iii) ensure that affordability does not act as a barrier to people accessing transport services,
 - (iv) ensure a consistency of transport access across every community in Scotland,
 - (v) ensure that local communities are able to participate meaningfully in the design and planning of transport services,
 - (vi) promote sustainability and active travel.>

Jamie Greene

32 Before section 1, insert—

<CHAPTER

PURPOSE OF A LOW EMISSION ZONE SCHEME

Purpose of a low emission zone scheme

The purpose of a low emission zone scheme is to reduce the transport-related emissions of nitrogen oxides and fine particulate matter (being particles with an aerodynamic diameter equal to or less than 2.5 micrometres) within and in the vicinity of the zone.>

Colin Smyth

220 Before section 1, insert—

<CHAPTER

PURPOSE OF LOW EMISSION ZONE SCHEME

Purpose of low emission zone scheme

The purpose of a low emission zone scheme is to make ongoing improvements to the level of air quality in all or part of a local authority area.>

Section 1

Rachael Hamilton

221 In section 1, page 1, line 17, at end insert—

<() the vehicle is operating a community bus service (within the meaning of section 22 of the Transport Act 1985), or>

Jamie Greene

33 In section 1, page 1, line 17, at end insert—

<() the vehicle is being used—

- (i) for police purposes, including for the purposes of the National Crime Agency,
- (ii) for ambulance purposes or for the purpose of providing a response to an emergency at the request of the Scottish Ambulance Service Board,
- (iii) for or in connection with the exercise of any function of the Scottish Fire and Rescue Service or HM Coastguard, or>

Jamie Greene

34 In section 1, page 1, line 17, at end insert—

<() the vehicle is a diplomatic vehicle, or>

Richard Lyle

2 In section 1, page 1, line 18, at end, insert <, or

- (c) the vehicle is being used for the purpose mentioned in section (*Exemption for erecting or dismantling funfairs*).>

Murdo Fraser

- 30 In section 1, page 1, line 18, at end insert <, or
 - (d) the vehicle was constructed more than 30 years before 1 January of the year in which it is driven on a road within a low emission zone.>

Murdo Fraser

- 31 In section 1, page 1, line 18, at end insert—
 - <() For the avoidance of doubt, reference to a vehicle in subsection (1)(d) includes a vehicle registered in a country or territory outwith the United Kingdom.>

John Finnie

- 185 In section 1, page 1, line 26, leave out <only one penalty charge is> and insert <up to three penalty charges are>

Graham Simpson

- 28 In section 1, page 1, line 26, at end insert—
 - <(3A) The Scottish Ministers must by regulations make provision for the operation of low emission zone schemes such that schemes are operated in a way that is capable of identifying whether a vehicle meets the specified emission standard regardless of whether—
 - (a) the vehicle as manufactured meets the standard, or
 - (b) the vehicle has been modified in such a way as to meet the standard.>

Jamie Greene

- 186 In section 1, page 2, leave out lines 6 to 8

Jamie Greene

- 187 In section 1, page 2, line 6, after <the> insert <maximum>

Jamie Greene

- 188 In section 1, page 2, line 7, leave out <(which may include provision for discounts and surcharges)>

Peter Chapman

- 222 In section 1, page 2, line 8, at end insert—
 - <() Regulations making provision as is described in subsection (4)(b) must make provision such that—
 - (a) a national dataset or other system is used to identify whether a vehicle is, or is of a type that is, exempt for the purpose of subsection (1)(b), and

- (b) the national dataset or other system is capable of being adapted or supplemented by the addition of other datasets or systems, whether containing data of local or national application, to permit the identification of whether a vehicle is, or is of a type that is, otherwise exempt.>

Section 2

Michael Matheson

- 41 In section 2, page 2, line 12, after <State> insert <or from another source as specified in regulations by the Scottish Ministers,>

Michael Matheson

- 42 In section 2, page 2, line 12, after <standard> insert <as at the date and time of the record produced by an approved device,>

Section 4

Colin Smyth

- 43 In section 4, page 3, line 16, at end insert—
 - <(3) Where levels of air pollutants in a local authority area exceed the limit values set out in schedule 2 of the Air Quality Standards (Scotland) Regulations 2010, a local authority must—
 - (a) make a low emission zone scheme for all or part of its area,
 - (b) amend a low emission zone scheme made by it.
 - (4) The Scottish Ministers may by regulations exempt a local authority from having to comply with subsection (3).
 - (5) Regulations under subsection (4) must specify—
 - (a) why the exemption is being applied, and
 - (b) for how long the exemption is being applied.>

After section 4

Peter Chapman

- 223 After section 4, insert—

<Impact assessments

Before a local authority makes, amends or revokes a low emission zone scheme it must prepare, and publish in such manner as it sees fit, an assessment of the impact of the proposal on—

- (a) the environment in its area,
- (b) equalities in its area,
- (c) the economy of its area,

- (d) such other matters as it is required by any enactment to assess in respect of its policies, plans and proposals, and
- (e) such other matters as it sees fit.>

Section 5

Jamie Greene

- 35** In section 5, page 3, line 18, leave out <made, amended or revoked> and insert <made or amended>

Jamie Greene

- 189** In section 5, page 3, line 19, at end insert—

<(1A) When seeking the approval of the Scottish Ministers to a proposal, a local authority must provide a statement setting out—

- (a) the prior consultation undertaken under section 6, and
- (b) how, in preparing the proposal, it has taken account of representations received as a result of the prior consultation.>

Jamie Greene

- 36** In section 5, page 3, line 20, leave out <making, amendment or revocation> and insert <making or amendment>

Jamie Greene

- 37** In section 5, page 3, line 23, leave out <making, amendment or revocation> and insert <making or amendment>

Jamie Greene

- 190** In section 5, page 3, line 24, after <Ministers> insert <—

- (a) must take into account the statement provided by the local authority under subsection (1A), and
- (b)>

Jamie Greene

- 38** In section 5, page 3, line 25, at end insert—

<() This section does not apply to—

- (a) the area which forms the proposed low emission zone,
- (b) any rules specified in the proposed low emission zone scheme as to the days or times when the proposed zone is to operate.>

Section 6

Jamie Greene

- 191 In section 6, page 3, line 27, leave out <making, amendment or revocation> and insert <making or amendment>

Colin Smyth

Supported by: John Finnie

- 44 In section 6, page 3, line 31, at end insert—
<() the Health Board within whose area the low emission zone scheme will apply,>

John Finnie

- 192 In section 6, page 3, line 31, at end insert—
<() each community council (established in accordance with Part 4 of the Local Government (Scotland) Act 1973) all or part of whose area is within the area affected by the proposal,>

John Finnie

- 193 In section 6, page 3, line 31, at end insert—
<() each Health Board, all or part of whose area is within the area affected by the proposal,>

John Finnie

- 194 In section 6, page 3, line 31, at end insert—
<() the Commissioner for Children and Young People in Scotland,>

John Finnie

- 195 In section 6, page 3, line 31, at end insert—
<() such trade unions and staff associations as the authority considers appropriate,>

Colin Smyth

Supported by: John Finnie

- 45 In section 6, page 4, line 1, at end insert—
<() cyclists,>

Colin Smyth

- 46 In section 6, page 4, line 1, at end insert—
<() pedestrians,>

Colin Smyth

- 47 In section 6, page 4, line 1, at end insert—

<() users of public transport,>

Colin Smyth

48 In section 6, page 4, line 1, at end insert—

<() individuals with health conditions which may be affected by air quality,>

John Finnie

196 In section 6, page 4, line 1, at end insert—

<() bus users,>

John Finnie

197 In section 6, page 4, line 2, at end insert—

<() such persons as the authority considers to be representative of groups advocating sustainable transport policies,>

Section 7

Jamie Greene

198 In section 7, page 4, line 7, leave out <make, amend or revoke> and insert <make or amend>

Section 9

Jamie Greene

199 In section 9, page 4, line 28, at end insert—

<() the amount that is to be imposed as a penalty charge under section 1(2) (which may include provision for discounts and surcharges) in respect of the scheme,>

Jamie Greene

200 In section 9, page 4, line 28, at end insert—

<() the amount (subject to any maximum amount set by the Scottish Ministers in regulations under section 1(4)(c)) that is to be imposed as a penalty charge under section 1(2) (which may include provision for discounts and surcharges) in respect of the scheme,>

Michael Matheson

49 In section 9, page 4, line 29, at end insert—

<() the types of vehicles to which it applies,>

Jamie Greene

201 In section 9, page 4, line 30, after <objectives> insert <(such objectives being compatible with the purpose set out in section (*Purpose of a low emission zone scheme*))>

David Stewart

224 In section 9, page 4, line 31, at end insert—

<() The scheme’s objectives must include an objective to reduce transport-related air pollution around schools by 2021 to a level to be specified by the Scottish Ministers by regulations.>

Michael Matheson

50 In section 9, page 5, line 6, after <purposes> insert <, types of vehicles,>

After section 9

Jamie Greene

202 After section 9, insert—

<Power to make agreements as to liability for penalty charge

A local authority may, for the purposes of a low emission zone scheme, enter into such agreements as it sees fit with such companies, public authorities or other bodies as it sees fit, such that any penalty charge under section 1(2) payable where a person drives a vehicle within the zone in contravention of section 1(1) while in the employment or service of that company, authority or other body is payable by the company, authority or body rather than by the person driving the vehicle.>

Colin Smyth

225 After section 9, insert—

<Power to alter specified emission standard

- (1) A low emission zone scheme may specify a different emission standard (“an ultra low emission standard”) from the standard specified by regulations under section 1(4)(a) for the purpose of subsection (1)(a) of that section.
- (2) An ultra low emission standard may be specified under subsection (1) only where—
 - (a) the standard is for a lower level of emissions than provided for by the standard specified by regulations under section 1(4)(a), and
 - (b) the proposal to specify the different standard is approved by the Scottish Ministers.>

Section 10

Michael Matheson

51 In section 10, page 5, line 12, at end insert—

<() in relation to the type of vehicle being driven, and>

Michael Matheson

52 In section 10, page 5, line 18, at end insert <and

() in relation to both paragraphs (a) and (b), the types of vehicle to which the grace period applies (which may vary as between residents and non-residents).>

Jamie Greene

226* In section 10, page 5, line 20, leave out subsections (5) and (6) and insert—

<(4A) In the case of residents, the grace period applicable to—

- (a) buses and coaches must expire not less than 2 years after it begins,
- (b) commercial vehicles (including taxis) must expire not less than 3 years after it begins,
- (c) cars must expire not less than 4 years after it begins.

(4B) In the case of non-residents, the grace period applicable to—

- (a) buses and coaches must expire not less than 1 year after it begins,
- (b) commercial vehicles (including taxis) must expire not less than 2 years after it begins,
- (c) cars must expire not less than 3 years after it begins.

(4C) A low emission zone scheme may specify a date by which a grace period mentioned in any paragraph of subsections (4A) and (4B) must expire (being a maximum period of time after the grace period begins).

(4D) The Scottish Ministers may by regulations specify descriptions of types of vehicles for the purposes of interpretation of the types of vehicles mentioned in subsections (4A) and (4B).>

Colin Smyth

53 In section 10, page 5, leave out line 21

Colin Smyth

54 In section 10, page 5, leave out lines 24 to 26 and insert <not more than 2 years after the expiry of the grace period applicable to non-residents.>

Colin Smyth

55 In section 10, page 5, line 26, at end insert—

<() A low emission zone scheme may not specify a grace period—

- (a) for non-residents under subsection (5)(b) of more than 3 years, or
- (b) for residents under subsection (6)(b) of more than 1 year after the expiry of the period applicable to non-residents,

without the approval of the Scottish Ministers.>

Section 12

Jamie Greene

203 In section 12, page 7, line 1, leave out <(which must be no longer than 1 year)>

Michael Matheson

56 In section 12, page 7, line 2, at end insert—

<(2A) A low emission zone scheme must—

- (a) provide for the granting and renewal, by the local authority which made the scheme, of a time-limited exemption for the purpose of section 1(1)(b) in respect of vehicles which enter the zone to which the scheme relates solely due to their following a signed diversion as a result of a temporary road closure, and
- (b) specify the maximum period for which such an exemption is granted (which must be no longer than the length of the road closure).>

Michael Matheson

57 In section 12, page 7, line 3, after <(1)> insert <or (2A)>

After section 12

Richard Lyle

3 After section 12, insert—

<Exemption for erecting or dismantling funfairs

5 Without prejudice to the generality of section 12, a local authority must grant an exemption in respect of a vehicle or type of vehicle for the purpose of section 1(1)(c) where the vehicle or type of vehicle is being used to transport funfair equipment for the purpose of erecting or dismantling a funfair.>

Richard Lyle

3A As an amendment to amendment 3, line 5, leave out <to transport funfair equipment>

Section 13

Colin Smyth

Supported by: John Finnie

58 Leave out section 13 and insert—

<13 Schemes to operate at all times

A low emission zone operates at all times.>

Section 15

Michael Matheson

59 In section 15, page 7, line 23, after <remove> insert <, or secure the removal of,>

After section 16

Jamie Greene

204 After section 16, insert—

<Regulation of form of traffic signs

- (1) The Scottish Ministers must by regulations make provision for the form traffic signs to be used for or in connection with the operation of a low emission zone scheme are to take.
- (2) Regulations under subsection (1) may not make different provision for different areas or zones.
- (3) In subsection (1), “traffic signs” has the same meaning as in section 64(1) of the Road Traffic Regulation Act 1984 (general provision as to traffic signs).>

Section 18

Colin Smyth

- 60 In section 18, page 8, line 9, after <may> insert <, subject to the approval of the Scottish Ministers,>

Michael Matheson

- 61 In section 18, page 8, line 10, after <period> insert <, in respect of the whole zone or any part of the zone to which the scheme relates,>

Jamie Greene

- 205 In section 18, page 8, line 10, leave out from <for> to end of line 16

Michael Matheson

- 62 In section 18, page 8, line 14, after <importance> insert <or significant local importance.>

Michael Matheson

- 63 In section 18, page 8, line 14, at end insert—
 <() A local authority may not suspend the operation of a low emission scheme for more than 7 days unless the Scottish Ministers give prior approval to the proposed suspension.>

John Finnie

- 206 Leave out section 18

Section 19

Jamie Greene

- 207 In section 19, page 8, line 25, at end insert—
 <() revoking a scheme.>

Jamie Greene

- 208 In section 19, page 8, line 26, leave out from <(including> to end of line 27 and insert <as may be agreed between the Scottish Ministers and the local authority.>

Section 21

Jamie Greene

209 In section 21, page 9, line 4, at end insert—

<() contributing to the improvement, and encouraging the use, of low carbon and carbon-free transport within the zone, and>

Brian Whittle

227 In section 21, page 9, line 4, at end insert—

<() contributing to the improvement of infrastructure and facilities (including, but not limited to, cycle lanes, pedestrian pathways and park-and-ride facilities) that encourage a reduction in the use of motor vehicles, and>

Michael Matheson

64 In section 21, page 9, line 5, before <making> insert <if (and only if) any surplus remains,>

Section 23

John Finnie

210 In section 23, page 9, line 20, at end insert <, and

() lay a copy of the report before the Scottish Parliament.>

Jamie Greene

211 In section 23, page 9, line 20, at end insert—

<() A report under this section on the operation and effectiveness of the scheme must in particular include an assessment of—

- (a) the costs of proposing, making and operating the scheme,
- (b) the gross and net revenue gathered by the authority from the operation of the scheme, and
- (c) details of how the revenue has been used to facilitate the achievement of the scheme's objectives.>

Section 24

Jamie Greene

212 In section 24, page 9, line 22, at end insert—

<() A local authority may at any time carry out a review of the operation and effectiveness of a low emission zone scheme operated by it.>

Colin Smyth

65 In section 24, page 9, line 24, at end insert—

- <() Without prejudice to the generality of subsection (1), a local authority may, from time to time, carry out a review of the operation and effectiveness of a low emission zone scheme operated by it.>

After section 27

Claudia Beamish

228 After section 27, insert—

<PART

LOW EMISSION VEHICLES

Support for purchase and use of low emission vehicles in rural areas

- (1) The Scottish Ministers must by regulations make provision for support to be provided by them to encourage persons mentioned in subsection (2) to purchase and use low emission vehicles.
- (2) The persons are those who—
 - (a) live in rural areas, and
 - (b) have a low income.
- (3) The regulations must set out definitions of—
 - (a) low emission vehicles,
 - (b) rural areas, and
 - (c) low income,for the purposes of this section.>

Claudia Beamish

229 After section 27, insert—

<PART

LOW EMISSION DISTRIBUTION CONSOLIDATION HUBS

Low emission distribution consolidation hubs

- (1) The Scottish Ministers must by regulations make provision—
 - (a) requiring prescribed local authorities to take such steps as may be prescribed for the purposes of establishing and operating, or securing the establishment and operation of, low emission distribution consolidation hubs, and
 - (b) for the support to be provided by the Scottish Ministers to prescribed local authorities for such purposes.
- (2) The steps that may be prescribed in regulations under subsection (1) include the consideration of co-operative models to support smaller businesses.
- (3) In subsection (1)—

“low emission distribution consolidation hubs” means—

 - (a) facilities located on the outskirts of urban areas which can receive goods on behalf of businesses located in those urban areas, and

- (b) systems for the consolidated onward delivery of goods to those businesses using—
 - (i) low emission vehicles,
 - (ii) the smallest suitable vehicles, and
 - (iii) wherever practicable, pedal cycles and electrically assisted pedal cycles,

for the purpose of ensuring that the distribution of goods is achieved with lower net emissions than would otherwise be the case,

“prescribed” means prescribed in regulations under subsection (1).

- (4) The regulations must set out definitions of—
 - (a) low emission vehicles, and
 - (b) urban areas,
 for the purposes of this section.>

Section 28

Michael Matheson

- 66 In section 28, page 11, line 36, leave out subsection (3)

Colin Smyth

- 67 In section 28, page 11, line 36, leave out subsection (3) and insert—
 - <(3) In section 66 (exclusion of powers of certain councils to run bus undertakings)—
 - (a) in subsection (1), leave out from “a council” to second “to” and insert “a council or (as the case may be) councils may”,
 - (b) for subsection (2), there is substituted—
 - “(2) For the avoidance of doubt, any council or (as the case may be) councils who, at the time when this section comes into force, are providing any such service, may continue to provide such service.”.>

John Finnie

- 39 In section 28, page 11, line 36, leave out from <for> to end of line 37 and insert <the words from “or, in Scotland,” to “licence” are repealed.>

Neil Bibby

- 230* In section 28, page 12, line 6, after <may> insert <—
 - () ask a community transport body (within the meaning of section (*Community transfer of operation of bus routes*) of the Transport (Scotland) Act 2019) to provide such local services as they consider necessary in order to meet the public transport requirement, or
 - ()>

After section 28

Michael Matheson

68 After section 28, insert—

<Local transport authority bus companies

- (1) The Transport (Scotland) Act 2001 is amended as follows.
- (2) Before section 3 insert—

“CHAPTER A1

Local transport authority controlled bus companies

2A Local transport authority controlled bus companies

- (1) A local transport authority (or two or more authorities acting jointly) may control a company that provides local services.
 - (2) The local transport authority (or authorities) must be satisfied, before forming or acquiring a company or using a company already controlled by them to provide local services, that the provision of such services by such a company will contribute to the implementation of their relevant general policies.
 - (3) For the purposes of this section, a local transport authority control a company if they have power to secure that the affairs of the company are conducted in accordance with their wishes, and have that power—
 - (a) by holding shares in the company or any other company,
 - (b) by possessing voting power in relation to the company or any other company, or
 - (c) by virtue of any powers conferred by—
 - (i) the articles of association of the company or any other company, or
 - (ii) any other document regulating the company or any other company.
 - (4) In this section—
 - (a) “company” has the same meaning as in the Companies Acts (see sections 1(1) and 2(1) of the Companies Act 2006), and
 - (b) the reference to forming a company is to be construed in accordance with section 7 of that Act.”.
- (3) In section 79(1) (guidance), after paragraph (b) insert—
- “(ba) local transport authorities in relation to the exercise of their functions under section 2A of this Act.”.>

Section 29

Colin Smyth

69 In section 29, page 12, line 23, after <services> insert <(including, in particular, an analysis of how existing local services are meeting the needs of people in the area who are on a low income)>

Colin Smyth

70 In section 29, page 12, line 31, at end insert—

<() For the purposes of subsection (2)(c), the partnership plan must, in particular, describe how the scheme (or schemes) is intended to meet objectives as regards the quality and effectiveness of local services in meeting for the needs of persons—

(a) who are on a low income,

(b) whose income is adversely affected, whose expenditure is increased or whose experience of or ability to use local services is likely to be affected because they have one or more of the protected characteristics listed in section 149(7) of the Equality Act 2010.>

Colin Smyth

71 In section 29, page 12, line 33, after <services> insert <and other persons living or working>

Colin Smyth

72 In section 29, page 12, line 37, at end insert—

<() For the purposes of subsection (3)(a), a partnership plan must, in particular, describe the proposals for obtaining the views of persons—

(a) who have experience of poverty,

(b) whose income is adversely affected, whose expenditure is increased or whose experience of or ability to use local services is likely to be affected because they have one or more of the protected characteristics listed in section 149(7) of the Equality Act 2010.>

Michael Matheson

73 In section 29, page 15, line 23, after <facility> insert <or the taking of a measure>

Michael Matheson

74 In section 29, page 15, line 25, at end insert <(within the meaning of section 121A of the Road Traffic Regulation Act 1984).>

Michael Matheson

75 In section 29, page 15, line 26, leave out <or varied unless it is made or varied> and insert <, postponed, varied or revoked unless it is made, postponed, varied or revoked>

Michael Matheson

76 In section 29, page 15, line 38, after <authority> insert <or (where section 3E applies) the Scottish Ministers>

Michael Matheson

77 In section 29, page 16, line 6, leave out <Subsection (2) does> and insert <Subsections (2) and (3) do>

Michael Matheson

- 78 In section 29, page 16, line 7, after <facility> insert <or, as the case may be, take the measure,>

Michael Matheson

- 79 In section 29, page 16, line 25, at end insert—
- <() The Scottish Ministers may by regulations amend subsection (2) to specify a different total period of postponement than the one for the time being specified there.>

Michael Matheson

- 80 In section 29, page 17, line 21, at end insert—
- <() The Scottish Ministers may by regulations amend subsection (5) to specify a different total period of postponement than the one for the time being specified there.>

Jamie Greene

- 231 In section 29, page 17, line 39, at end insert—
- <() A report under subsection (1) must include information—
- (a) on the achievement within the period covered by the report of—
 - (i) the objectives to be met as regards the quality and effectiveness of the services to which the scheme relates,
 - (ii) any service standards imposed by the scheme,
 - (b) on bus speeds at both peak and off-peak times, and
 - (c) where the progress towards achieving the objectives and service standards is not satisfactory, on the steps the local authority intends to take.>

Michael Matheson

- 81 In section 29, page 18, line 7, at end insert—
- <3JA Provision of information: bus services improvement partnerships**
- (1) This section applies if a local transport authority are exercising any of the following functions—
 - (a) preparing and making a partnership plan or scheme,
 - (b) reviewing the effectiveness of a partnership plan or scheme, or
 - (c) determining whether and how to vary, or revoke, a partnership plan or scheme.
 - (2) The local transport authority may require an operator of a local service in the relevant area to provide them with such relevant information relating to the function being exercised as they may specify.
 - (3) The local transport authority must specify the function it is exercising when requiring the provision of relevant information.
 - (4) The operator may be required to provide the information—

- (a) in any form which, having regard to the manner in which the information is kept, it is reasonable to expect the operator to provide, and
 - (b) before the end of such period as may be specified by the local transport authority.
- (5) A local transport authority that have obtained relevant information under this section may only—
- (a) use the information for the purpose of exercising the function for which it was obtained, and
 - (b) supply the information to a person listed in subsection (6) for use in connection with that function.
- (6) The persons are—
- (a) a local transport authority,
 - (b) persons providing services to the local transport authority in connection with the function being exercised,
 - (c) where section 3E applies, the Scottish Ministers.
- (7) A person who receives relevant information under subsection (5)(b) must not disclose it to any other person or use it in connection with a purpose other than the specified function.
- (8) A person who, without reasonable excuse, discloses information in contravention of this section commits an offence.
- (9) A person who commits an offence under subsection (8) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (10) Where an offence under subsection (8) committed by a local transport authority is proved to have been committed with the consent or connivance of, or to be attributable to the neglect on the part of, a person employed by the authority, the person as well as the authority is guilty of the offence and liable to be proceeded against and punished accordingly.
- (11) In this section, “relevant information” means information of a description specified in regulations made by the Scottish Ministers.
- (12) Regulations under subsection (11) may specify circumstances in which relevant information (or types of relevant information) may not be required by a local transport authority.>

Colin Smyth

232 In section 29, page 18, line 22, at end insert—

<3KA Fair work direction

- (1) The Scottish Ministers must issue a direction to each local transport authority about fair work within 1 year of this section coming into force.
- (2) The direction—
 - (a) must—

- (i) stipulate that each bus service improvement partnership plan is to specify that each local transport authority or (as the case may be) operator of a local service must seek to promote fair work in exercising its functions,
 - (ii) set out what fair work means for the purposes of the direction, and
 - (b) may contain any other provision which the Scottish Ministers consider appropriate in relation to the promotion of fair work by a local transport authority or (as the case may be) operator of a local service.
- (3) Before issuing the direction, the Scottish Ministers must consult—
- (a) local transport authorities,
 - (b) operators of a local service,
 - (c) persons who appear to the Scottish Ministers to represent the interests of employees of a local transport authority or operator of a local service.>

Colin Smyth

82 In section 29, page 18, line 40, at end insert—

- <() the level of information that must be provided by an operator to a local transport authority for the purpose of developing a plan or scheme.”.>

Colin Smyth

233 In section 29, page 18, line 40, at end insert—

- <() the standards and requirements that a scheme or plan may specify in respect of the accessibility of bus services for disabled persons and persons who have limited mobility.”.>

Section 30

Jamie Greene

234 In section 30, page 19, line 24, at end insert—

<Sufficient number of persons

Where a local transport authority intend to prepare a partnership proposal, they must seek the approval of the traffic commissioner to what constitutes a sufficient number of persons for the purposes of paragraphs 5(1), 7(4), 15(1), 17(4) and 24 in relation to the proposal.>

Colin Smyth

83 In section 30, page 20, line 40, after <services> insert <and of other persons living or working in the area>

Colin Smyth

84 In section 30, page 21, line 6, at end insert—

- <() For the purposes of sub-paragraph (4)(b), the local transport authority must consult, in particular, persons—

- (a) who have experience of poverty,
- (b) whose income is adversely affected, whose expenditure is increased or whose experience of or ability to use local services is likely to be affected because they have one or more of the protected characteristics listed in section 149(7) of the Equality Act 2010.>

Colin Smyth

- 85 In section 30, page 22, line 18, after <services> insert <and of other persons living or working in the area>

Colin Smyth

- 86 In section 30, page 22, line 29, at end insert—
- <() For the purposes of sub-paragraph (3)(b), the local transport authority must give notice to, in particular, persons—
 - (a) who have experience of poverty,
 - (b) whose income is adversely affected, whose expenditure is increased or whose experience of or ability to use local services is likely to be affected because they have one or more of the protected characteristics listed in section 149(7) of the Equality Act 2010.>

Jamie Greene

- 235 In section 30, page 22, line 34, at end insert <and
- (b) have due regard to any representations received by them as a result of such consultation.
 - (c) consider whether, if the coming into operation of a partnership scheme (or any part of it) is to be postponed, any obligations on operators of local services should also be postponed for the same period.>

Colin Smyth

- 87 In section 30, page 24, line 39, after <services> insert <and other persons living or working in the area>

Colin Smyth

- 88 In section 30, page 25, line 4, at end insert—
- <() For the purposes of sub-paragraph (4)(b), the local transport authority must consult, in particular, persons—
 - (a) who have experience of poverty,
 - (b) whose income is adversely affected, whose expenditure is increased or whose experience of or ability to use local services is likely to be affected because they have one or more of the protected characteristics listed in section 149(7) of the Equality Act 2010.>

Colin Smyth

- 89 In section 30, page 26, line 8, after <services> insert <and of other persons living or working in the area>

Colin Smyth

- 90 In section 30, page 26, line 15, at end insert—
- <() For the purposes of sub-paragraph (3)(b), the local transport authority must give notice to, in particular, persons—
 - (a) who have experience of poverty,
 - (b) whose income is adversely affected, whose expenditure is increased or whose experience of or ability to use local services is likely to be affected because they have one or more of the protected characteristics listed in section 149(7) of the Equality Act 2010.>

Colin Smyth

- 91 In section 30, page 27, line 21, after <services> insert <and of other persons living or working in the area>

Colin Smyth

- 92 In section 30, page 27, line 27, at end insert—
- <() For the purposes of sub-paragraph (1)(b), the local transport authority must consult, in particular, persons—
 - (a) who have experience of poverty,
 - (b) whose income is adversely affected, whose expenditure is increased or whose experience of or ability to use local services is likely to be affected because they have one or more of the protected characteristics listed in section 149(7) of the Equality Act 2010.>

Colin Smyth

- 93 In section 30, page 28, line 20, after <services> insert <and of other persons living or working in the area>

Colin Smyth

- 94 In section 30, page 28, line 27, at end insert—
- <() For the purposes of sub-paragraph (3)(b), the local transport authority must give notice to, in particular, persons—
 - (a) who have experience of poverty,
 - (b) whose income is adversely affected, whose expenditure is increased or whose experience of or ability to use local services is likely to be affected because they have one or more of the protected characteristics listed in section 149(7) of the Equality Act 2010.>

Jamie Greene

236 In section 30, page 28, leave out lines 34 and 35

Section 31

Neil Bibby

237 In section 31, page 29, line 29, at end insert—

<() in subsection (9), after paragraph (d) insert—

“(dza) to limit the circumstances in which an operator may apply under subsection (7) to vary or cancel a registration.”.>

Neil Bibby

238 In section 31, page 29, line 29, at end insert—

<() in subsection (9), after paragraph (k) insert—

“(ka) for requiring the operator of a registered service to make available, as soon as reasonably practicable after the end of each financial year, its annual accounts to—

(i) the traffic commissioner, and

(ii) the local transport authority or authorities for the area within which the service is operated.”.>

Michael Matheson

95 In section 31, page 30, line 34, at end insert—

<6N **Scrutiny of operation of bus services improvement partnership**

(1) This section applies where—

(a) a bus services improvement partnership scheme made under section 3B of the 2001 Act (“the scheme”) is in operation, and

(b) it appears to a traffic commissioner that the local transport authority (or authorities) who made the scheme may not be complying with their obligations under it including, in particular, any duty arising under section 3F(2) or (3) of the 2001 Act.

(2) The traffic commissioner may—

(a) investigate the actions of the local transport authority (or authorities) in relation to their compliance with their obligations under the scheme,

(b) require the authority (or authorities) to provide such information as the commissioner may specify for the purposes of the investigation.

(3) A local transport authority may be required to provide the information before the end of such period as may be specified by the traffic commissioner when imposing the requirement.

(4) Following an investigation under subsection (2), the traffic commissioner must prepare and publish a report—

- (a) setting out whether or not the commissioner is satisfied that the local transport authority (or authorities) are complying with their obligations under the scheme, and
 - (b) if the commissioner is not satisfied that the authority (or authorities) are complying with their obligations, making such recommendations as the commissioner considers appropriate, including, in particular, recommendations that the authority (or authorities) take such remedial action as may be specified in the report.
- (5) Before publishing a report prepared under subsection (3), the commissioner must provide a copy of it to—
- (a) the local transport authority (or authorities) who made the scheme, and
 - (b) each operator providing a local service with a stopping place in the area of the scheme.
- (6) Where, under section 3E of the 2001 Act, the Scottish Ministers acted jointly with a local transport authority (or authorities) to make the scheme, this section applies to the Scottish Ministers as it applies to the authority (or authorities)
- (7) In this section—
- “2001 Act” means the Transport (Scotland) Act 2001,
 - “local transport authority” has the meaning given in section 82(1) of the 2001 Act.”.>

Section 32

Jamie Greene

213 In section 32, page 31, line 21, at end insert—

- <() A franchising framework must include provision on how disputes between the local transport authority and a person operating local services in the area to which the framework relates are to be resolved.>

Colin Smyth

96 In section 32, page 31, line 28, at end insert—

- <() A franchise agreement must include provision setting out how services under it will provide for the needs of persons—
 - (a) who are on a low income,
 - (b) whose income is adversely affected, whose expenditure is increased or whose experience of or ability to use local services is likely to be affected because they have one or more of the protected characteristics listed in section 149(7) of the Equality Act 2010.>

Jamie Greene

214 In section 32, page 34, line 6, at end insert—

- <() For the purposes of subsection (2)(e), the assessment of financial implications must include in particular—

- (a) an assessment of the initial costs to establish services, outlining one-off or up-front establishment costs,
- (b) forecasts of the annual financial implications, including profitability, of operating local services under the proposed framework,
- (c) an assessment of the likely financial implications, including comparative analysis, of the proposed framework in relation to how services are currently funded.>

Jamie Greene

- 239 In section 32, page 34, line 20, leave out <obtain a report from> and insert <request that the traffic commissioner appoints, and obtains a report from,>

Michael Matheson

- 97 In section 32, page 38, line 16, leave out <franchising> and insert <franchise>

Jamie Greene

- 240 In section 32, page 39, line 21, at end insert—

<() Consultation with operators of local services under subsection (3) must, in particular, include consultation on how the local transport authority propose to compensate such operators for any losses they may incur as a result of the postponement.>

Michael Matheson

- 98 In section 32, page 42, line 34, at end insert—

<13QA Provision of information: local services franchises

- (1) This section applies if a local transport authority are exercising any of the following functions—
 - (a) preparing and making a franchising framework,
 - (b) reviewing the effectiveness of a franchising framework, or
 - (c) determining whether and how to vary, or revoke, a franchising framework.
- (2) The local transport authority may require an operator of a local service in the relevant area to provide them with such relevant information relating to the function being exercised as they may specify.
- (3) The local transport authority must specify the function it is exercising when requiring the provision of relevant information.
- (4) The operator may be required to provide the information —
 - (a) in any form which, having regard to the manner in which the information is kept, it is reasonable to expect the operator to provide, and
 - (b) before the end of such period as may be specified by the local transport authority.
- (5) A local transport authority that have obtained relevant information under this section may only—

- (a) use the information for the purpose of exercising the function for which it was obtained, and
 - (b) supply the information to a person listed in subsection (6) for use in connection with that function.
- (6) The persons are—
- (a) a local transport authority,
 - (b) an auditor appointed by the local transport authority under section 13F,
 - (c) any other person providing services to the local transport authority in connection with the function being exercised,
 - (d) a panel appointed under section 13J(2) or 13O(2).
- (7) A person who receives relevant information under subsection (5)(b) must not disclose it to any other person or use it in connection with a purpose other than the specified function.
- (8) A person who, without reasonable excuse, discloses information in contravention of this section commits an offence.
- (9) A person who commits an offence under subsection (8) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (10) Where an offence under subsection (8) committed by a local transport authority is proved to have been committed with the consent or connivance of, or to be attributable to the neglect on the part of, a person employed by the authority, the person as well as the authority is guilty of the offence and liable to be proceeded against and punished accordingly.
- (11) In this section, “relevant information” means information of a description specified in regulations made by the Scottish Ministers.
- (12) Regulations under subsection (11) may specify circumstances in which relevant information (or types of relevant information) may not be required by a local transport authority.>

Jamie Greene

215 In section 32, page 42, line 35, leave out from beginning to end of line 12 on page 43 and insert—

<13R Multi-authority franchising

- (1) Two or more of the persons mentioned in subsection (2) may act jointly to make a franchising framework and franchise agreement (or agreements) under this chapter.
- (2) The persons are—
 - (a) a local transport authority,
 - (b) a Regional Transport Partnership,
 - (c) the Scottish Ministers.
- (3) In those circumstances, unless the context otherwise requires, a reference in this chapter (other than this section) to—

- (a) a local transport authority, in relation to a franchising framework or a franchise agreement or to a proposed framework or agreement, is a reference to the persons acting jointly,
 - (b) the area of a local transport authority is a reference to the combined areas in which the persons exercise functions,
 - (c) the relevant general policies of a local transport authority is a reference to the relevant general policies of each of the persons.
- (4) Where two or more persons act jointly to make a franchising framework or franchise agreement, they must continue to act jointly in relation to the framework or agreement in all respects.>

Michael Matheson

- 99 In section 32, page 42, line 37, leave out <franchising> and insert <enter into a franchise>

Michael Matheson

- 100 In section 32, page 43, line 4, leave out <franchising> and insert <franchise>

Michael Matheson

- 101 In section 32, page 43, line 11, after <or> insert <enter into a franchise>

Colin Smyth

- 241 In section 32, page 43, line 12, at end insert—

<13RA Franchising by Regional Transport Partnerships

- (1) Subject to the agreement of every local transport authority within its area, a Regional Transport Partnership may make a franchising framework and franchise agreement (or agreements) under this chapter.
- (2) In those circumstances, unless the context otherwise requires, a reference in this chapter (other than this section) to—
 - (a) a local transport authority, in relation to a franchising framework or a franchise agreement or to a proposed framework or agreement, is a reference to a Regional Transport Partnership,
 - (b) the area of a local transport authority is a reference to the area of the Regional Transport Partnership,
 - (c) the relevant general policies of a local transport authority is a reference to the relevant general policies of a Regional Transport Partnership.>

Colin Smyth

- 242 In section 32, page 43, line 12, at end insert—

<13RB Fair work direction

- (1) The Scottish Ministers must issue a direction to each local transport authority about fair work within 1 year of this section coming into force.
- (2) The direction—

- (a) must—
 - (i) stipulate that each franchising framework is to specify that each local transport authority or (as the case may be) operator of a local service must seek to promote fair work in exercising its functions,
 - (ii) set out what fair work means for the purposes of the direction, and
 - (b) may contain any other provision which the Scottish Ministers consider appropriate in relation to the promotion of fair work by a local transport authority or (as the case may be) operator of a local service.
- (3) Before issuing the direction, the Scottish Ministers must consult—
- (a) local transport authorities,
 - (b) operators of a local service,
 - (c) persons who appear to the Scottish Ministers to represent the interests of employees of a local transport authority or operator of a local service.>

Colin Smyth

102 In section 32, page 43, line 27, at end insert—

<() the level of information that must be provided by an operator to a local transport authority in connection with the process,>

Colin Smyth

243 In section 32, page 43, line 27, at end insert—

<() the standards and requirements that a franchising framework may specify in respect of the accessibility of local services for disabled persons and persons with limited mobility,>

Section 33

Neil Bibby

244 In section 33, page 44, line 18, leave out <relating to> and insert <setting out>

Michael Matheson

103 In section 33, page 45, line 15, leave out from <persons> to <expected> and insert <an economic operator in connection with an invitation>

Michael Matheson

104 In section 33, page 45, line 22, leave out from <persons> to <expected> and insert <an economic operator in connection with an invitation>

Michael Matheson

105 In section 33, page 46, line 13, after <section> insert <—

“economic operator” means any person, public entity or group of persons or entities including any temporary association of undertakings that offers to provide local services on the market,>

Michael Matheson

106 In section 33, page 46, line 41, at end insert—

<() In section 43 of the Transport (Scotland) Act 2001 (power to obtain information about local services), after subsection (5) insert—

“(5A) For the avoidance of doubt, subsection (5)(f) does not apply if (or to the extent that) the operator was also required to provide the information by the local transport authority as an affected authority under section 6ZA(2) of the 1985 Act (provision of service information when varying or cancelling registration).”>

Section 34

Jamie Greene

245 In section 34, page 47, line 27, leave out <past> and insert <previous 2 years or the period of time for which the service has operated, whichever is the shorter>

Colin Smyth

107 In section 34, page 47, line 35, at end insert—

<() requiring it to be—

(A) made available in an accessible form (including in audible form),

(B) translated into Braille if requested.>

Michael Matheson

108 In section 34, page 47, line 39, at end insert—

<() the Secretary of State,>

Neil Bibby

246 In section 34, page 48, line 22, at end insert—

<35B Duty to notify traffic commissioner about change of bus route or timetabling

(1) If a local transport authority ascertain that—

(a) a change is proposed to a bus route, or

(b) a significant change is proposed to the timetabling of a local service,

to, from or within the authority’s area, the authority must as soon as is reasonably practicable notify the traffic commissioner.

(2) Where the traffic commissioner receives notification under subsection (1), the commissioner must—

- (a) give notice of the proposed change of route or timetabling in such manner as the commissioner considers appropriate for bringing the notice to the attention of persons in the area of the authority,
 - (b) appoint three persons to form a panel to decide whether or not to approve the proposed change of route or timetabling,
 - (c) provide the panel with any representations made to the commissioner in connection with the proposed change of route or timetabling.
- (3) A notice given under subsection (2)(a) must state—
- (a) that representations may be made to the traffic commissioner in relation to the proposed change of route or timetabling, and
 - (b) the period within which such representations may be made.
- (4) The panel may decide—
- (a) to approve the proposed change of route or timetabling,
 - (b) to approve the proposed change of route or timetabling subject to the local transport authority or (as the case may be) operators of the local services taking such further action as the panel may specify in its decision, or
 - (c) not to approve the proposed change of route or timetabling.
- (5) In making its decision under subsection (4), the panel must consult—
- (a) the local transport authority,
 - (b) the operators of local services.
 - (c) bus users.
- (6) Not later than 3 months after the date on which the Bill for the Transport (Scotland) Act 2019 receives Royal Assent, the traffic commissioner must issue guidance to all local transport authorities setting out what constitutes a significant change in the timetabling of a local service.”.>

Colin Smyth

247 In section 34, page 48, line 22, at end insert—

<35C Duty to consult about change of bus route or timetabling

- (1) This section applies where an operator of a registered local service makes—
 - (a) a change to a bus route, or
 - (b) a significant change to the timetabling of a local service,
- (2) Before making a change mentioned in subsection (1), the operator must consult the persons mentioned in subsection (3).
- (3) The persons are—
 - (a) the local transport authority,
 - (b) users of local services,
 - (c) such other persons as the operator thinks fit.”.>

After section 34

Colin Smyth

109 After section 34, insert—

<Accessibility of new or refurbished stopping places

- (1) The Transport (Scotland) Act 2001 is amended as follows.
- (2) Before section 41, insert—

“40B Accessibility of new or refurbished stopping places

- (1) A local transport authority must comply with the duty in subsection (2).
- (2) The duty is that any new or refurbished stopping place must—
 - (a) be accessible for 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),
 - (b) not share any part of the carriageway with a cycle track,
 - (c) not require a person using a local service to use steps when entering or alighting from a public service vehicle,
 - (d) not contain any thing that could obstruct the right of passage of a person using a local service.
- (3) The Scottish Ministers may by regulations vary the duty in subsection (2).”>

Colin Smyth

110 After section 34, insert—

<National quality assurance framework for operators of local services

- (1) The Transport (Scotland) Act 2001 is amended as follows.
- (2) After section 47, insert—

“47A National quality assurance framework for operators of local services

- (1) The Scottish Ministers must by regulations establish a national quality assurance framework for operators of local services.
- (2) Regulations under subsection (1) must—
 - (a) define the framework,
 - (b) set out how the framework will—
 - (i) help improve local services,
 - (ii) help improve the experience of users of local services.
- (3) Before making regulations under section (2), the Scottish Ministers must consult such persons or organisations as the Scottish Ministers consider to be representative of the interests of—
 - (a) operators of local services,
 - (b) users of local services,
 - (c) local transport authorities,

(d) Regional Transport Partnerships.”.>

Neil Bibby

248 After section 34, insert—

<Community transfer of operation of bus routes

- (1) The Scottish Ministers must by regulations make a scheme making provision to enable a community transfer body (construed in accordance with section 77(1) of the Community Empowerment (Scotland) Act 2015) to make a request to operate a bus route.
- (2) Without prejudice to the generality of subsection (1), the scheme must include provision equivalent to such provisions of Part 5 of the Community Empowerment (Scotland) Act 2015, with such modifications as the Scottish Ministers consider necessary to enable such a scheme to operate effectively.
- (3) The first regulations under subsection (1) must be made not later than 6 months after the date of Royal Assent.>

Neil Bibby

249 After section 34, insert—

<Community bus services

- (1) In carrying out their duties under this Part, local transport authorities must have regard to the desirability of promoting community bus services.
- (2) As soon as reasonably practicable after the end of each financial year, each local transport authority must submit information to the Scottish Ministers on how it has complied with subsection (1).
- (3) As soon as reasonably practicable after receiving information from all local transport authorities under subsection (2), the Scottish Ministers must publish, and lay before the Parliament, a report setting out—
 - (a) what the impact has been of the operation of this Part on community bus services,
 - (b) what steps they have taken during that financial year to promote community bus services,
 - (c) a summary of information submitted to them under subsection (2).
- (4) In preparing a report under subsection (3), the Scottish Ministers must consult—
 - (a) each local transport authority,
 - (b) the traffic commissioner,
 - (c) the chief constable of the Police Service of Scotland,
 - (d) the Competition and Markets Authority,
 - (e) representatives of community bus service providers, and
 - (f) such other persons as the Scottish Ministers think fit.
- (5) For the purposes of this section, “community bus services” has the meaning given by section 22(1) of the Transport Act 1985.>

Colin Smyth

250 After section 34, insert—

<Disability awareness training for public service vehicle drivers

- (1) The Transport (Scotland) Act 2001 is amended as follows.
- (2) Before section 41 insert—

“40A Disability awareness training for public service vehicle drivers

- (1) This section applies to a person who is employed by an operator of a local service to drive a public service vehicle.
- (2) An operator of a local service must—
 - (a) take reasonable steps to ensure that a person mentioned in subsection (1) receives disability awareness training on an annual basis, and
 - (b) as soon as reasonably practicable after the end of each financial year, publish information setting out the steps it has taken to make available disability awareness training to persons mentioned in subsection (1).
- (3) In this section, “disability awareness training” means an approved training course delivered by a training provider authorised by the local transport authority for the purpose of raising awareness of disability issues.”.>

Section 37

Colin Smyth

111 In section 37, page 50, line 23, after <arrangements> insert <(including on any proposals for the development of a national smart ticketing scheme)>

Michael Matheson

112 In section 37, page 50, line 24, at end insert—

- <() The Board also has the function of issuing advice and recommendations to the Scottish Ministers in relation to the strategic development of smart ticketing in Scotland.>

Colin Smyth

251 In section 37, page 50, line 30, at end insert—

- <() Regulations under subsection (3) must make provision to ensure that membership of the Board includes representation of people who have disabilities arising from a physical or mental impairment (construed in accordance with section 31 of the Social Security (Scotland) Act 2018).>

Section 39

Michael Matheson

113 In section 39, page 53, line 26, after <the> insert <National>

Michael Matheson

- 114 In section 39, page 53, line 30, at end insert <, and
() set out the Scottish Ministers' reasons for making it.>

After section 41

Pauline McNeill

- 216 After section 41, insert—

<PART

TRAVEL CONCESSION SCHEMES

Travel concession schemes

- (1) The Transport Act 1985 is amended as follows.
- (2) In section 93 (travel concession schemes)—
 - (a) in subsection (7)(b), for “sixteen” substitute “eighteen”,
 - (b) subsection (7)(c) is repealed.>

Section 42

Graham Simpson

- 115 In section 42, page 54, leave out lines 35 to 37 and insert—
- <(1) Subject to subsection (3), a local authority may make an order (in this Part, a “pavement parking order”), providing that a person may not park a motor vehicle on a pavement.
 - (2) For the purposes of a pavement parking order—>

Jackie Baillie

- 4 In section 42, page 55, line 3, after <pavement> insert <or any part of the vehicle overhangs any part of the pavement by a distance of more than 20 centimetres>

John Mason

- 1 In section 42, page 55, line 3, at end insert <, and
() the width of pavement adjacent to the motor vehicle that remains free for public right of passage by foot is less than 1.5 metres.>

Graham Simpson

- 116* In section 42, page 55, leave out lines 7 to 20 and insert—
- <(3) A pavement parking order—
 - (a) must specify the footway to which it applies,
 - (b) may apply to all or part of a footway,
 - (c) may specify a part of the footway that must be accessible for public right of passage by foot.

- (4) A footway may not be specified in a pavement parking order unless it, or the carriageway with which it is associated, has the characteristics specified by the Scottish Ministers in a direction under section 56(1).
- (5) If the local authority is not the traffic authority for the footway to which a pavement parking order is to apply, the local authority may not make the order unless the traffic authority for the footway consents to the making of the order.
- (6) Subsection (5) applies to an order amending or revoking a pavement parking order as it applies to a pavement parking order.
- (7) In this section—
 - “carriageway” is to be construed in accordance with section 151(2) of the Roads (Scotland) Act 1984,
 - “footway” is to be construed in accordance with section 151(2) of that Act,
 - “motor vehicle” has the meaning given by section 185(1) of the Road Traffic Act 1988, except that—
 - (a) section 189 of that Act (exception for certain pedestrian controlled vehicles and electrically assisted pedal cycles) applies as it applies for the purposes of that Act, and
 - (b) it does not include a heavy commercial vehicle (within the meaning given by section 20(1) of that Act) (but see section 19(1) of that Act),
 - “pavement” means a footpath or footway.>

Section 43

Colin Smyth

117 In section 43, page 55, line 32, at end insert—

<() may not apply where the width of pavement adjacent to the motor vehicle that remains free for public right of passage by foot is less than 1.5 metres.>

Graham Simpson

118 Leave out section 43

Section 44

Graham Simpson

119 Leave out section 44 and insert—

<Pavement parking orders: form and procedure

- (1) The Scottish Ministers may by regulation make provision in connection with the making, amendment and revocation of pavement parking orders.
- (2) Regulations under subsection (1) may, in particular, make provision about—

- (b) the form of a pavement parking order (or an order amending or revoking a pavement parking order),
- (c) the procedure to be followed in connection with the making, amendment or revocation of a pavement parking order,
- (d) publication of a proposal for the making, amendment or revocation of a pavement parking order (a “proposal”),
- (e) persons who must be consulted about a proposal and the manner and timing of that consultation,
- (f) the process for making objections to a proposal,
- (g) the process for considering any such objections, including the holding of inquiries and the appointment of a person to hold an inquiry,
- (h) modification of a proposal (whether in consequence of an objection or otherwise),
- (h) notice to be given or published of the making, amendment or revocation of a pavement parking order and the effect of the pavement parking order (or its amendment or revocation).>

Section 45

Graham Simpson

120 Leave out section 45 and insert—

<Pavement parking orders: traffic signs

- (1) This section applies where a local authority makes a pavement parking order in relation to all or part of a footway.
- (2) The traffic authority for the footway must—
 - (a) place, or secure the placement of, traffic signs in connection with the pavement parking order, and
 - (b) maintain, or secure the maintenance of, those signs.
- (3) Where the traffic authority for the footway is not the local authority, the traffic authority may enter into an arrangement with the local authority under which the local authority is to—
 - (a) exercise the functions under subsection (2), or
 - (b) assist the traffic authority in connection with the exercise of those functions.
- (4) Where the local authority enters into an arrangement mentioned in subsection (3)(a), section 65(1) of the Road Traffic Regulation Act 1984 (powers and duties of traffic authorities as to placing of traffic signs) applies to the local authority as it applies to the traffic authority for the footway.
- (5) In subsection (2), “traffic signs” has the meaning given by section 64(1) of the Road Traffic Regulation Act 1984 (general provisions as to traffic signs).>

Section 47

Graham Simpson

- 121 In section 47, page 57, line 30, leave out from <to> to <prohibition> and insert <which apply to a pavement parking order made under section 42>

Michael Matheson

- 122 In section 47, page 57, line 31, leave out <(referred to collectively in this section as the “parking prohibitions”)>

Michael Matheson

- 123 In section 47, page 57, line 33, leave out <parking prohibitions> and insert <pavement parking prohibition and the double parking prohibition>

Mike Rumbles

- 124 In section 47, page 58, line 4, at end insert <, and
() no part of the vehicle is within 1.5 metres of the pavement edge which is furthest away from the centre of the carriageway (however that edge is bounded).>

Michael Matheson

- 125 In section 47, page 58, line 5, leave out <parking prohibitions> and insert <pavement parking prohibition and the double parking prohibition>

Mike Rumbles

- 126 In section 47, page 58, line 14, at end insert <, and
() no part of the vehicle is within 1.5 metres of the pavement edge which is furthest away from the centre of the carriageway (however that edge is bounded).>

Michael Matheson

- 127 In section 47, page 58, line 24, leave out <parking prohibitions> and insert <pavement parking prohibition and the double parking prohibition>

Mike Rumbles

- 128 In section 47, page 58, line 31, at end insert <, and
() no part of the vehicle is within 1.5 metres of the pavement edge which is furthest away from the centre of the carriageway (however that edge is bounded).>

Colin Smyth

- 129 In section 47, page 58, line 32, leave out subsection (6)

Michael Matheson

- 130 In section 47, page 58, line 32, leave out <parking prohibitions> and insert <pavement parking prohibition and the double parking prohibition>

Mike Rumbles

- 131 In section 47, page 58, line 39, leave out <and> and insert—
<() no part of the vehicle is within 1.5 metres of the pavement edge which is furthest away from the centre of the carriageway (however that edge is bounded),>

Michael Matheson

- 132 In section 47, page 59, line 4, leave out <parking prohibitions> and insert <pavement parking prohibition and the double parking prohibition>

Mike Rumbles

- 133 In section 47, page 59, line 4, after <where> insert <—
()>

Mike Rumbles

- 134 In section 47, page 59, line 8, at end insert <, and
() no part of the vehicle is within 1.5 metres of the pavement edge which is furthest away from the centre of the carriageway (however that edge is bounded).>

Michael Matheson

- 135 In section 47, page 59, line 9, leave out <parking prohibitions> and insert <pavement parking prohibition and the double parking prohibition>

Michael Matheson

- 136 In section 47, page 59, line 12, leave out <parking prohibitions> and insert <pavement parking prohibition and the double parking prohibition>

Michael Matheson

- 137 In section 47, page 59, line 19, leave out <parking prohibitions> and insert <pavement parking prohibition and the double parking prohibition>

Mike Rumbles

- 138 In section 47, page 59, line 24, at end insert <, and
(d) no part of the vehicle is within 1.5 metres of the pavement edge which is furthest away from the centre of the carriageway (however that edge is bounded).>

Colin Smyth

- 139 In section 47, page 59, line 24, at end insert—

- <() The Scottish Ministers must by regulations set out exceptions to the parking prohibitions where—
- (a) the motor vehicle is, in the course of business—
 - (i) being used for the purpose of delivering goods to, or collecting goods from, any premises, or
 - (ii) being loaded from or unloaded to any premises,
 - (b) the delivery, collection, loading or unloading cannot reasonably be carried out without the vehicle being parked on a pavement or, as the case may be, as mentioned in section 46(1)), and
 - (c) the vehicle is so parked for no longer than is necessary for the delivery, collection, loading or unloading and in any event for no more than a continuous period of 20 minutes.>

Mike Rumbles

140 In section 47, page 59, line 24, at end insert—

- <() In this section, “carriageway” has the meaning given by section 43(6).>

After section 47

Michael Matheson

141 After section 47, insert—

<Dropped footway parking prohibition

- (1) A person must not park a motor vehicle on a carriageway adjacent to a footway where, for the purpose of assisting pedestrians or cyclists to cross the carriageway—
 - (a) the footway has been lowered to meet the level of the carriageway, or
 - (b) the carriageway has been raised to meet the level of the footway.
- (2) In this Part, the prohibition in subsection (1) is referred to as the “dropped footway parking prohibition”.
- (3) In this section and section (*Exceptions to dropped footway parking prohibition*)—
 - “carriageway” has the meaning given by section 43(6),
 - “footway” has the meaning given by section 42(4),
 - “motor vehicle” has the meaning given by section 46(5).>

Michael Matheson

142 After section 47, insert—

<Exceptions to dropped footway parking prohibition

- (1) This section sets out exceptions to the dropped footway parking prohibition.
- (2) The dropped footway parking prohibition does not apply where the footway has been lowered or the carriageway has been raised as described in section (*Dropped footway parking prohibition*)(1) for the purpose of access to a driveway or to a garage (whether on commercial or residential premises).

- (3) The dropped footway parking prohibition does not apply where—
- (a) the person has parked the motor vehicle for the purpose of saving life or responding to another similar emergency,
 - (b) the achievement of that purpose would be likely to be hindered if the vehicle were not parked as mentioned in in section (*Dropped footway parking prohibition*)(1), and
 - (c) the vehicle is so parked for no longer than is necessary for that purpose.>

Section 48

Graham Simpson

- 143 In section 48, page 59, line 28, leave out <the pavement parking prohibition> and insert <a pavement parking order made under section 42>

Michael Matheson

- 144 In section 48, page 59, line 29, leave out <or the double parking prohibition> and insert <, the double parking prohibition or the dropped footway parking prohibition>

Michael Matheson

- 145 In section 48, page 60, line 8, leave out <employed> and insert <appointed>

Graham Simpson

- 146 In section 48, page 60, line 8, leave out <the pavement parking prohibition> and insert <a pavement parking order made under section 42>

Michael Matheson

- 147 In section 48, page 60, line 9, leave out <or the double parking prohibition> and insert <, the double parking prohibition or the dropped footway parking prohibition>

Section 49

Graham Simpson

- 148 In section 49, page 60, line 23, leave out <the pavement parking prohibition> and insert <a pavement parking order made under section 42>

Michael Matheson

- 149 In section 49, page 60, line 23, leave out <and the double parking prohibition> and insert <, the double parking prohibition and the dropped footway parking prohibition>

Pauline McNeill

- 217 In section 49, page 60, line 35, at end insert—
- <() Regulations under subsection (1) must include provision requiring notification of a penalty charge to include information on how a charge can be appealed.>

Pauline McNeill

218 In section 49, page 60, line 35, at end insert—

<() Regulations under subsection (1) must include provision requiring that notification of a penalty charge is available in formats that are accessible to individuals who have a sensory, physical or mental disability.>

Section 50

Graham Simpson

150 In section 50, page 61, line 17, leave out <the pavement parking prohibition> and insert <a pavement parking order made under section 42>

Michael Matheson

151 In section 50, page 61, line 18, at end insert <, or

() the dropped footway parking prohibition.>

Michael Matheson

152 In section 50, page 61, line 18, at end insert—

<() The traffic authority may remove, or secure the removal of, anything installed under subsection (1).>

Section 51

Graham Simpson

153 In section 51, page 61, line 28, leave out <the pavement parking prohibition> and insert <a pavement parking order made under section 42>

Michael Matheson

154 In section 51, page 61, line 29, leave out <or the double parking prohibition> and insert <, the double parking prohibition or the dropped footway parking prohibition>

Section 52

Graham Simpson

155 In section 52, page 62, line 5, leave out <the pavement parking prohibition> and insert <a pavement parking order made under section 42>

Michael Matheson

156 In section 52, page 62, line 6, at end insert <, or

() the dropped footway parking prohibition.>

Section 54

Pauline McNeill

219 In section 54, page 62, line 30, at end insert—

- <(2) However, arrangements must not be entered into under subsection (1) with a person who is not acting in the course of employment by a public body.
- (3) In subsection (2), “public body” means any of the following—
 - (a) a Minister of the Crown,
 - (b) the Scottish Ministers,
 - (c) a local authority,
 - (d) a person established by an enactment,
 - (e) a body comprised solely of persons described by this subsection,
 - (f) 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.
- (4) The Scottish Ministers may by regulations make such modifications to subsection (3) as they consider appropriate.>

Section 55

Michael Matheson

157 In section 55, page 62, line 36, at end insert <, and

- () the publication of a statement of account, and the manner in which it must be published.>

Section 57

Michael Matheson

158 In section 57, page 64, line 3, leave out <its functions under> and insert <functions conferred on it (whether as a local authority or as a traffic authority) by virtue of>

Section 58

Michael Matheson

159 In section 58, page 64, line 9, at end insert—

<<“dropped footway parking prohibition” has the meaning given by section (*Dropped footway parking prohibition*)(2),>

Michael Matheson

160 In section 58, page 64, line 15, after <prohibition> insert <and the dropped footway parking prohibition>

Graham Simpson

161 In section 58, page 64, leave out line 18

Michael Matheson

162 In section 58, page 64, line 20, leave out from <a> to <121A> and insert <means, in relation to a footway, the body which has the function of making traffic regulation orders under section 1>

After section 58

John Finnie

7 After section 58, insert—

<PART

WORKPLACE PARKING

Workplace parking licensing schemes

5 **Workplace parking licensing schemes**

(1) A workplace parking licensing scheme is a scheme under which a local authority may—
(a) require a person to hold a licence in order to provide workplace parking places (see section (*Workplace parking places*)) at premises in the area to which the scheme relates, and

10 (b) charge for such a licence on the basis of the number of places specified in the licence.

(2) A workplace parking licensing scheme must specify—

(a) the area of the local authority to which the scheme relates, which must be specified by reference to an area on a map, (the “licensing area”),

15 (b) the date on which the scheme comes into effect,

(c) the period during which the scheme is to remain in force (or that it is to continue indefinitely),

(d) the days on which, and hours during which, a licence is required,

20 (e) the charges payable on licences (expressed as a specified sum of money for each workplace parking place provided),

(f) any persons, premises or motor vehicles (or descriptions of such persons, premises or motor vehicles) that are exempt from the scheme or from paying charges under it (see sections (*Exemptions etc.*) and (*National exemptions*)), and

25 (g) arrangements for the periodic review of the operation and effectiveness of the scheme including, in particular, how the outcome of a review is to be communicated to persons affected by it.

(3) A workplace parking licensing scheme may make different provision for different purposes or different areas within the licensing area.>

Mike Rumbles

7A As an amendment to amendment 7, line 7, after <provide> insert <more than 10>

Pauline McNeill

7B As an amendment to amendment 7, line 28, at end insert—

- <() Before using any powers under this section, a local authority must make an assessment of the likely impact on its area of any displacement which may occur as a result of the use of those powers.>

Pauline McNeill

7C As an amendment to amendment 7, line 28, at end insert—

- <(4) Before using any powers under this section, a local authority must make an assessment of the likely impact on the level of poverty in its area which may occur as a result of the use of those powers.
- (5) An assessment made under subsection (4) must—
- (a) set out the implications of the use of powers under this section on workers in the local authority area,
 - (b) be published in such form as the local authority considers appropriate.
- (6) In this section, “workers” means individuals who have entered into, or work under (or where the employment has ceased, worked under)—
- (a) a contract of employment, or
 - (b) any other contract, whether express or implied and (if it is express) whether oral or in writing, whereby the individual undertakes to do or perform personally any work services for another party to the contract whose status is not by virtue of the contract that of a client or customer of any profession or business undertaking carried on by the individual.>

John Finnie

8 After section 58, insert—

<Workplace parking places

- (1) For the purposes of this Part, a workplace parking place is provided at any premises at any time if a parking place provided at the premises is at that time occupied by a motor vehicle used—
- (a) by a relevant person,
 - (b) by a worker, agent, supplier, business customer or business visitor of a relevant person,
 - (c) by a person attending a course of education or training provided by a relevant person, or
 - (d) where a body whose affairs are controlled by its members is a relevant person, by a member of the body engaged in the carrying on of any business of the body, for the purpose of attending a place at which the relevant person carries on business at, or in the vicinity of, the premises.
- (2) In this section “relevant person” means—
- (a) the person who provides the parking place in question (“the provider”),

- (b) any person with whom the provider has entered into arrangements to provide the parking place (whether or not for that person’s own use), or
- (c) any person who is associated with—
- 20 (i) the provider, or
- (ii) a person within paragraph (b).
- (3) For the purpose of subsection (2)(c), any two persons are associated if—
- (a) one is a company of which the other (directly or indirectly) has control, or
- (b) both are companies of which a third person (directly or indirectly) has control.
- 25 (4) For the purposes of this section—
- “business” includes—
- (a) any trade, profession, vocation or undertaking,
- (b) the functions of any holder of a public office,
- (c) the provision of any course of education or training, and
- 30 (d) the functions of, or any activities carried on by, the Scottish Administration, a Government department, a local authority or other statutory body,
- “business customer”, in relation to a relevant person, means a client or customer of the relevant person who is attending at any premises occupied by the relevant person for the purposes of a business carried on by that client or customer,
- 35 “business visitor”, in relation to a relevant person, means an individual who—
- (a) in the course of the individual’s employment, or
- (b) in the course of carrying on a business or for the purposes of a business carried on by the individual,
- is visiting the relevant person or any premises occupied by the relevant person,
- 40 “Government department” means a department of the Government of the United Kingdom,
- “supplier”, in relation to a relevant person, means—
- (a) a person supplying, or seeking to supply, goods or services to the relevant person for the purposes of a business carried on by the relevant person, or
- 45 (b) any agent or sub-contractor of such a person,
- “worker” means an individual who has entered into, or works under—
- (a) a contract of employment, or
- (b) any other contract, whether express or implied and (if it is express) whether oral or in writing, under which the individual undertakes to do or perform
- 50 personally any work or services for another party to the contract whose status is not by virtue of the contract that of a client or customer of any profession or business undertaking carried on by the individual.
- (5) The Scottish Ministers may by regulations amend subsections (1) to (4) for the purpose of adding, removing or varying circumstances in which, for the purposes of this Part, a
- 55 workplace parking place is provided.>

Mike Rumbles

8A As an amendment to amendment 8, line 7, leave out <, business customer>

Mike Rumbles

8B As an amendment to amendment 8, leave out line 29

Mike Rumbles

8C As an amendment to amendment 8, leave out lines 32 to 34

Mike Rumbles

8D As an amendment to amendment 8, line 53, leave out subsection (5)

John Finnie

9 After section 58, insert—

<Making and modifying schemes

Power to make and modify schemes

- (1) A local authority may (in accordance with this Part)—
- 5 (a) make a workplace parking licensing scheme for all or part of its area,
(b) amend or revoke a workplace parking licensing scheme made by it.
- (2) A workplace parking licensing scheme may be made only if—
- (a) the local authority proposing to make the scheme has a local transport strategy, and
10 (b) it appears to the authority that the scheme will (directly or indirectly) facilitate the
achievement of policies in its strategy.
- (3) Two or more local authorities may act jointly to make a workplace parking licensing
scheme.
- (4) In those circumstances—
- (a) they must continue to act jointly in relation to the scheme in all respects, and
15 (b) unless the context otherwise requires, a reference in this Part to—
- (i) a local authority, in relation to a workplace parking licensing scheme or to a
proposed scheme, is a reference to the authorities acting jointly,
(ii) the area of a local authority is a reference to the combined areas of those
authorities, and
20 (iii) the local transport strategy of a local authority is a reference to the local
transport strategy of each local authority.>

John Mason

9A As an amendment to amendment 9, line 4, after <authority> insert <or (as the case may be)
Regional Transport Partnership,>

Mike Rumbles

9C As an amendment to amendment 9, line 8, at end insert—

<() the local authority proposing to make the scheme is satisfied that there is an adequate level of public transport services in its area, and>

Colin Smyth

9B As an amendment to amendment 9, line 10, at end insert <, and

() the Scottish Ministers have approved the making of the scheme.>

John Finnie

10 After section 58, insert—

<Prior consultation and impact assessment

(1) Before making, amending or revoking a workplace parking licensing scheme, a local authority must—

5 (a) prepare and publish—

(i) an outline of the proposed scheme, the scheme as it is proposed to be amended or (as the case may be) notice of the proposed revocation of the scheme (“the proposal”),

(ii) a statement about the objectives of the proposal, and

10 (iii) an assessment of the impacts of the proposal,

(b) consult such persons as the authority considers appropriate in relation to the proposal (including, in particular, persons that the authority has identified as likely to be affected by the proposal), and

(c) prepare and publish a report which—

15 (i) summarises the consultation responses received,

(ii) states whether or not the authority intends to proceed with the proposal (or the proposal as modified in light of the consultation), and

(iii) sets out the authority’s reasons for whether or not it intends to proceed.

20 (2) For the purpose of subsection (1)(a)(i), an outline of the proposed scheme must include the proposed—

(a) licensing area,

(b) period during which the scheme is to remain in force (or that it is to continue indefinitely),

25 (c) charges payable on licences (expressed as a specified sum of money for each workplace parking place provided),

(d) persons, premises or motor vehicles (or descriptions of such persons, premises or motor vehicles) that are to be exempt from the scheme or from paying charges under it (see sections (*Exemptions etc.*) and (*National exemptions*)).

(3) For the purpose of subsection (1)(a)(ii), the statement must set out—

30 (a) the objectives that the local authority intends the proposal to achieve,

- (b) its assessment of how (or the extent to which) the proposal will—
 - (i) achieve those objectives, and
 - (ii) facilitate (directly or indirectly) the achievement of policies in its local transport strategy, and
- 35 (c) how it intends to apply any net proceeds of the scheme (see section (*Application of net proceeds of workplace parking schemes*)).
- (4) For the purpose of subsection (1)(a)(iii), the assessment must, in particular, set out what the local authority considers to be the likely effects of the proposal on—
 - (a) persons who may have to pay charges under (or as a result of) the scheme, and
 - 40 (b) the environment.
- (5) A local authority may not make, amend or (as the case may be) revoke the scheme in accordance with the proposal (or the proposal as modified) until a period of 8 weeks beginning with the date on which it published its report under subsection (1)(c) has elapsed.>

Colin Smyth

- 10A** As an amendment to amendment 10, line 13, at end insert—
 <(ba) hold a referendum on a question of whether the proposed scheme should proceed,>

Colin Smyth

- 10B** As an amendment to amendment 10, line 18, at end insert—
 <() The Scottish Ministers must by regulations make provision for the—
 (a) franchise,
 (b) conduct, and
 (c) administration,
 of a referendum held under subsection (1)(ba).>

Mike Rumbles

- 10C** As an amendment to amendment 10, line 40, at end insert—
 <() the displacement of vehicles and the resulting effect on residents in, and in the vicinity of, the area to which the proposal relates.>

John Finnie

- 11** After section 58, insert—
 <**Scottish Ministers’ power to regulate process**
 The Scottish Ministers may by regulations make provision about the procedures in relation to making, amending and revoking workplace parking licensing schemes including, in particular, provision—
 (a) specifying the form of a scheme, or any amendment or revocation of it,
 (b) about consultation on proposals (including the publication of proposals and the making and consideration of representations),>

- (c) about the publication of notice of the making, amendment or revocation of a scheme and their effect,
- (d) about reviews of, and appeals against, decisions in relation to schemes.>

John Finnie

12 After section 58, insert—

<Local inquiries

- (1) Both—
 - (a) the local authority proposing to make, amend or revoke a workplace parking licensing scheme, and
 - (b) the Scottish Ministers,may cause an inquiry into the proposal to be held and appoint a person by whom it is to be held.
- (2) A local authority may not proceed with the proposal until the inquiry has been completed.
- (3) Subsections (3) to (8) of section 210 of the Local Government (Scotland) Act 1973 (provisions relating to local inquiries) apply in relation to an inquiry under subsection (1) as they apply in relation to an inquiry under that section.>

John Finnie

13 After section 58, insert—

<Workplace parking licences

Licence applications and processes

- (1) A workplace parking licensing scheme may include provision for or in connection with—
 - (a) applications for a workplace parking licence,
 - (b) granting, issuing and renewing a licence,
 - (c) imposing conditions on a licence,
 - (d) the standard duration of a licence,
 - (e) varying or revoking a licence,
 - (f) suspending the requirement to hold a licence for a period (and reimbursing charges for such a period).
- (2) Provision under subsection (1)(b) may include the granting of short-term workplace parking licences in special circumstances specified in, or determined in accordance with, the scheme.
- (3) In connection with the granting of a short-term workplace parking licence, a workplace parking licensing scheme may include provision conferring a discretion on any person.
- (4) The duration of a short-term workplace parking licence (or the total duration of a series of such licences) may not exceed 12 months.
- (5) The Scottish Ministers may by regulations make, or require or permit workplace parking schemes to include, provision about reviews of, and appeals against, decisions in relation to workplace parking licences.

- (6) A person commits an offence if the person intentionally provides false or misleading information in or in connection with an application in respect of a workplace parking licence.
- (7) A person guilty of an offence under subsection (6) is liable on—
 - (a) summary conviction, to a fine not exceeding the statutory maximum, or
 - (b) conviction on indictment, to a fine.>

John Finnie

14 After section 58, insert—

<Content of licences

- (1) A workplace parking licence must—
 - (a) state the name of the person to whom it is granted,
 - (b) specify the duration of the licence,
 - (c) identify the premises to which it relates,
 - (d) specify the maximum number of motor vehicles which may be parked at those premises at any one time, and
 - (e) state the amount of the charge paid on the licence and set out the calculation of that amount.
- (2) A workplace parking licence may include such other information in relation to the workplace parking licensing scheme or licensing processes as the local authority considers appropriate.>

John Finnie

15 After section 58, insert—

<Exemptions

Exemptions etc.

- (1) A workplace parking licensing scheme must provide for the exemptions described in section (*National exemptions*).
- (2) A workplace parking licensing scheme may otherwise provide for—
 - (a) specific premises, or premises of a specified description,
 - (b) premises with a specified number of parking places (or fewer), or
 - (c) descriptions of persons or motor vehicles (including descriptions by reference to any parking places provided for the exclusive use of such persons or motor vehicles),to be exempt from the scheme or from paying charges under the scheme.
- (3) The same premises must not be subject to more than one workplace parking licensing scheme at the same time.
- (4) The Scottish Ministers may by regulations make further provision in relation to exemptions, including by—

- (a) exempting from workplace parking licensing schemes (or requiring schemes to exempt) such premises, persons or vehicles (or descriptions of premises, persons or vehicles) as may be specified in the regulations, and
- (b) prohibiting the exemption from schemes of premises, persons or vehicles of such descriptions as may be specified in the regulations.>

John Finnie

16 After section 58, insert—

<National exemptions

(1) The following workplace parking places are to be exempt from charges under a workplace parking licensing scheme—

- 5 (a) places for the exclusive use of persons using motor vehicles displaying a badge issued—
 - (i) under section 21 of the Chronically Sick and Disabled Persons Act 1970,
 - (ii) under a provision of the law of Northern Ireland corresponding to that section, or
 - 10 (iii) by a member state of the EU for purposes corresponding to the purposes of that section,
- (b) subject to subsection (2)(b), places at qualifying NHS premises, and
- (c) places at hospices (that is, premises used for the purpose of caring for the dying or incurably ill).

15 (2) A workplace parking licensing scheme may—

- (a) require premises with workplace parking places mentioned in subsection (1) to hold a workplace parking licence in respect of the places, and
- (b) specify that workplace parking places at qualifying NHS premises that are provided for persons who do not provide services for the health service within the meaning of section 108(1) of the National Health Service (Scotland) Act 1978 (“the 1978 Act”) are not to be exempt from charges under a workplace parking licensing scheme.

(3) In this section, “qualifying NHS premises” means—

- 25 (a) a health service hospital within the meaning of section 108(1) of the 1978 Act or a state hospital within the meaning of section 102(2) of that Act,
- (b) any other premises occupied by a Health Board or Special Health Board constituted under section 2(1) of the 1978 Act,
- (c) premises that are (or such part of premises as is) used wholly or mainly for the provision of primary medical services as construed in accordance with section 2C(5) of the 1978 Act, and
- 30 (d) such other similar premises as the Scottish Ministers may specify under section (*Exemptions etc.*)(4).>

Graham Simpson

16A As an amendment to amendment 16, line 14, at end insert <, and

() places at industrial lands and heritages.>

Graham Simpson

16B As an amendment to amendment 16, line 14, at end insert <, and

() places at building sites (construed in accordance with regulation 2 of the Building (Scotland) Regulations 2004).>

Colin Smyth

16C As an amendment to amendment 16, line 14, at end insert <, and

() places at property that is owned by the Scottish Police Authority under section 4 of the Police and Fire Reform (Scotland) Act 2012.>

Mike Rumbles

16E As an amendment to amendment 16, line 14, at end insert <and

() places owned by or primarily for the use of the Police Service of Scotland, the Scottish Fire and Rescue Service or HM Coastguard.>

Colin Smyth

16D As an amendment to amendment 16, line 14, at end insert <, and

() places at educational institutions (within the meaning of Part 5 of schedule 1 to the Freedom of Information (Scotland) Act 2002).>

Mike Rumbles

16L As an amendment to amendment 16, line 14, at end insert <and

() places provided at a school (within the meaning given in section 135(1) of the Education (Scotland) Act 1980), college (an educational establishment by which further education within the meaning of section 1 of the Further and Higher Education (Scotland) Act 1992 is provided) or university (one of the older universities within the meaning of section 16(1) of the Universities (Scotland) Act 1966, a designated institution within the meaning of section 44(2) of the Further and Higher Education (Scotland) Act 1992 or an institution established under section 46 of that Act of 1992).>

Mike Rumbles

16F As an amendment to amendment 16, line 14, at end insert <and

() places at railway stations.>

Mike Rumbles

16G As an amendment to amendment 16, line 14, at end insert <and

() places at airports not served by railways.>

Mike Rumbles

- 16H** As an amendment to amendment 16, line 14, at end insert <and
() places provided primarily for the use of employees of local authorities.>

Mike Rumbles

- 16I** As an amendment to amendment 16, line 14, at end insert <and
() places provided primarily for the use of employees of, or persons providing services for, the Royal Mail or the Post Office.>

Mike Rumbles

- 16J** As an amendment to amendment 16, line 14, at end insert <and
() places owned by or provided primarily for the use of a charity entered in the Scottish Charity Register.>

Mike Rumbles

- 16K** As an amendment to amendment 16, line 14, at end insert <and
() places provided primarily for the use of a member of staff of the Scottish Administration.>

Mike Rumbles

- 16M** As an amendment to amendment 16, line 15, leave out subsection (2)

John Finnie

- 17** After section 58, insert—

<Financial provisions

Charges

- 5 (1) The charges imposed in respect of any premises by a workplace parking licensing scheme must be paid—
- (a) by the occupier of the premises, or
 - (b) in such circumstances as the Scottish Ministers may by regulations specify, by such other person as may be specified.
- 10 (2) The charges that may be imposed by a workplace parking licensing scheme may include different charges (or no charge) for different cases, including (in particular)—
- (a) different days,
 - (b) different times of day,
 - (c) different parts of the licensing area,
 - (d) different descriptions of persons,
 - 15 (e) different descriptions of premises, including different numbers of workplace parking places provided at a licensed premises, and
 - (f) different classes of motor vehicles.

- (3) In setting the charges imposed by a workplace parking licensing scheme, a local authority must have regard to the purposes for which the authority is to apply any of the net proceeds of the scheme (see section (*Application of net proceeds of workplace parking licensing schemes*)).>

Pauline McNeill

- 17C** As an amendment to amendment 17, line 6, leave out from <or,> to end of line 8

Pauline McNeill

- 17A** As an amendment to amendment 17, line 8, at end insert—

<() Regulations under subsection (1)(b) must provide that a person who earns less than the living wage is exempt from being specified as being liable for charges.>

Pauline McNeill

- 17D** As an amendment to amendment 17, line 8, at end insert—

<() But regulations under subsection (1)(b) may not apply to a person who is the parent of a child living in a single-parent household (to be construed within the meaning of section 9 of the Child Poverty (Scotland) Act 2017).>

Pauline McNeill

- 17E** As an amendment to amendment 17, line 8, at end insert—

<() But regulations under subsection (1)(b) may not apply to a person driving a special purpose vehicle or a wheelchair accessible vehicle (within the meaning of section 4 of the Road Vehicles (Approval) Regulations 2009).>

Pauline McNeill

- 17F** As an amendment to amendment 17, line 8, at end insert—

<() But regulations under subsection (1)(b) may not apply to a person who is the parent of a child under the age of 12 years.>

Pauline McNeill

- 17B** As an amendment to amendment 17, line 21, at end insert—

<() In this section, “living wage” is to be construed in accordance with section 15 of the Procurement Reform (Scotland) Act.>

John Finnie

- 18** After section 58, insert—

<Application of net proceeds of workplace parking licensing schemes

- (1) A local authority (the authority) may apply the net proceeds of a workplace parking licensing scheme (or, in a case where the authority is acting jointly with another local authority or authorities, the authority’s share of the net proceeds) only for purposes of facilitating the achievement of—

- (a) policies in the authority’s local transport strategy, or
 - (b) in the case of a joint scheme, the policies in the local transport strategy of a local authority with whom the authority is acting jointly.
- (2) Before applying any share of net proceeds under subsection (1)(b), the authority must be satisfied that doing so will benefit some part of its area.
- (3) In this Part, “net proceeds” means the amount of money (if any) by which the gross amount received under the workplace parking licensing scheme for a financial year exceeds the expenses of operating the scheme for the financial year.>

John Finnie

19 After section 58, insert—

<Accounts

- (1) The Scottish Ministers may by regulations make provision for or about the keeping of accounts by local authorities in connection with the exercise of functions under this Part.
- (2) Regulations under subsection (1) may, in particular—
- (a) specify the form and content of accounts,
 - (b) require the publication of accounts,
 - (c) make provision for how accounts are to be prepared and kept where two or more authorities are acting jointly in respect of a workplace parking licensing scheme.>

John Finnie

20 After section 58, insert—

<Enforcement

Penalty charges

- (1) The Scottish Ministers may by regulations make provision for or in connection with—
- (a) the imposition of charges (“penalty charges”) in respect of acts, omissions, events or circumstances relating to, or connected with, workplace parking licensing schemes, and
 - (b) the notification, payment, adjudication and enforcement of penalty charges.
- (2) Penalty charges in respect of any premises must be paid by—
- (a) the occupier of the premises, or
 - (b) in such circumstances as may be specified, such other person as may be specified.
- (3) Without limit to the generality of subsection (1), regulations made under it—
- (a) may make, or may permit or require workplace parking licensing schemes to include, provision—
 - (i) about the imposition of penalty charges in specified circumstances,
 - (ii) about the timing and manner of payment of penalty charges,
 - (iii) specifying the amount of penalty charges, including any reduced penalty charges or increased penalty charges and the circumstances in which such reduced or increased penalty charges are payable,

- (iv) about reviews of, and appeals against, decisions in relation to penalty charges,
- (v) about the cancellation of penalty charges,
- (b) may make provision—
 - (i) requiring local authorities to serve a notice of a penalty charge on any person it believes to be liable to pay such a charge,
 - (ii) about the form and content of such a notice,
 - (iii) about the way that compliance with such a notice may be enforced.
- (4) In this section “specified” means specified in regulations made under subsection (1).>

John Finnie

21 After section 58, insert—

<Evidence from approved devices

The Scottish Ministers may by regulations make provision for or in connection with permitting evidence of a fact relevant to proceedings for an offence under this Part, or proceedings in respect of a failure to comply with the provisions of a workplace parking licensing scheme, to be given by production of—

- (a) a record produced by a device specified in, or approved in accordance with, the regulations, and
- (b) a certificate (whether in the same or another document) as to the circumstances in which the record was produced authenticated in a manner specified in the regulations.>

John Finnie

22 After section 58, insert—

<Enforcement powers

- (1) An authorised person may—
 - (a) enter any premises in the licensing area of a workplace parking licensing scheme (other than any premises that is used as a dwelling),
 - (b) require the production of information relating to the requirement to hold a licence under a scheme, and specify the form in which the information is to be produced,
 - (c) take copies of, or take possession of, information (in whatever form) which relates to the requirement to hold a licence under a scheme and retain it for as long as the authorised person considers necessary.
- (2) The powers in subsection (1) may be exercised only for the purposes of—
 - (a) establishing if workplace parking places are being provided at the premises either—
 - (i) without a licence, or
 - (ii) without a licence in respect of all of the places being provided,
 - (b) establishing if there is, or has been, any contravention of the conditions of a licence in respect of the premises,
 - (c) serving notice of a penalty charge.

- (3) In this section and sections (*Enforcement powers: warrants*) and (*Enforcement powers: further provision*), “authorised person” means a person who is authorised by a local authority to exercise functions under this section in respect of a workplace parking licensing scheme made by it.>

John Finnie

23 After section 58, insert—

<Enforcement powers: warrants

- (1) This section applies to the powers conferred by section (*Enforcement powers*)(1).
- (2) A sheriff may grant a warrant under this subsection only if the sheriff is satisfied, by evidence on oath—
- (a) that there are reasonable grounds for entering premises for a purpose specified in section (*Enforcement powers*)(2), and
 - (b) that—
 - (i) entry to the premises has been refused,
 - (ii) such a refusal is reasonably expected,
 - (iii) the premises are unoccupied, or
 - (iv) the occupier is temporarily absent.
- (3) A warrant authorises an authorised person—
- (a) to enter the premises,
 - (b) to exercise any other power conferred by section (*Enforcement powers*)(1), and
 - (c) if necessary, to use reasonable force in doing so.
- (4) A warrant expires—
- (a) when it is no longer needed for the purpose for which it was granted, or
 - (b) if earlier, when any period as is specified in it for that purpose expires.>

John Finnie

24 After section 58, insert—

<Enforcement powers: further provision

- (1) This section applies to the powers conferred by section (*Enforcement powers*)(1) (whether exercised by virtue of that section or under a warrant granted under section (*Enforcement powers: warrants*)).
- (2) The power of entry may be exercised only at a reasonable time of day.
- (3) An authorised person seeking to exercise a power must, on request, produce evidence of the person’s identity and authorisation before exercising the power.
- (4) An authorised person may take on to the premises such other persons, and such materials and equipment, as the authorised person considers necessary.
- (5) If an authorised person enters the premises by virtue of a warrant, the authorised person must, if taking possession of anything under section (*Enforcement powers*)(1)(c), leave a statement on the premises giving particulars of what has been taken and by whom.

- (6) On leaving any premises which an authorised person is authorised to enter under a warrant, the person must, if the premises are unoccupied or the occupier is temporarily absent, leave the premises as effectively secured against entry as the person found them.
- (7) A person commits an offence if the person—
 - (a) without reasonable excuse, fails to comply with a requirement of an authorised person, or
 - (b) intentionally obstructs an authorised person in the exercise of a power conferred by section (*Enforcement powers*)(1).
- (8) A person who commits an offence under subsection (7) is liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum, and
 - (b) on conviction on indictment, to a fine.>

John Finnie

25 After section 58, insert—

<Power of entry: Crown land

- (1) The power of entry conferred under section (*Enforcement powers*)(1)(a) is exercisable in relation to Crown land specified in column 1 of the following table only with the consent of the person specified in the corresponding entry in column 2 of the table (the “appropriate authority”).

Crown land	Appropriate authority
Land an interest in which belongs to Her Majesty in right of the Crown and which forms part of the Crown Estate (that is, the property, rights and interests under the management of the Crown Estate Commissioners)	The Crown Estate Commissioners
Land an interest in which belongs to Her Majesty in right of the Crown and which forms part of the Scottish Crown Estate	The person managing the land
Land an interest in which belongs to Her Majesty in right of the Crown other than land forming part of the Crown Estate or the Scottish Crown Estate	The office-holder in the Scottish Administration or, as the case may be, the Government department managing the land
Land an interest in which belongs to Her Majesty in right of Her private estates	The person appointed by Her Majesty in writing under the Royal Sign Manual or, if no such appointment is made, the Scottish Ministers
Land an interest in which belongs to an office-holder in the Scottish Administration	The office-holder in the Scottish Administration
Land an interest in which belongs to a Government department	The Government department
Land an interest in which is held in trust for Her Majesty by an office-holder in the Scottish Administration for the purposes of the Scottish Administration	The office-holder in the Scottish Administration

Land an interest in which is held in trust for Her Majesty for the purposes of a Government department	The Government department
--	---------------------------

- (2) In subsection (1)—
- (a) the reference to Her Majesty's private estates is to be construed in accordance with section 1 of the Crown Private Estates Act 1862,
 - (b) “Government department” means a department of the Government of the United Kingdom,
 - (c) “Scottish Crown Estate” means the property, rights and interests to which section 90B(5) of the Scotland Act 1998 applies.
- (3) It is for the Scottish Ministers to determine any question that arises as to who in accordance with subsection (1) is the appropriate authority in relation to any land, and their decision is final.>

John Finnie

26 After section 58, insert—

<Interpretation of Part

In this Part—

- “licence” means a licence under a workplace parking licensing scheme,
- “licensing area” is to be construed in accordance with section (*Workplace parking licensing schemes*)(2),
- “local transport strategy”, in relation to a local authority, means a strategy prepared by a local transport authority or a local traffic authority, that relates to transport in the local authority’s area,
- “motor vehicle” means a motor vehicle within the meaning of section 185(1) of the Road Traffic Act 1988, except that section 189 of that Act (exception for certain pedestrian controlled vehicles and electrically assisted pedal cycles) applies as it applies for the purposes of that Act,
- “net proceeds” has the meaning given in section (*Application of net proceeds of workplace parking schemes*),
- “penalty charge” is to be construed in accordance with section (*Penalty charges*)(1),
- “workplace parking licensing scheme” is to be construed in accordance with section (*Workplace parking licensing schemes*)(1),
- “workplace parking place” is to be construed in accordance with section (*Workplace parking places*).>

Colin Smyth

163 After section 58, insert—

<PART

PARKING ON A CYCLE TRACK

Parking on a cycle track

- (1) The Roads (Scotland) Act 1984 is amended as follows.
- (2) In section 129 (miscellaneous summary offences), after subsection (6) there is inserted—

“(6A) The Scottish Ministers may by regulations make provision to confer powers on a local authority to issue a fixed penalty notice to a person who does not comply with subsection (6).”>

Section 61

Michael Matheson

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

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 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,”>

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)>

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