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Net Zero, Energy and Transport Committee

Net Zero, Energy and Transport Committee report on The Transport (Scotland) Act 2019 Amendment Regulations 2023 [draft]



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Net Zero, Energy and Transport Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Net Zero and Just Transition, with the exception of matters relating to just transition; on matters relating to land reform, natural resources and peatland, Scottish Land Commission; Crown Estate Scotland, and Royal Botanic Garden within the responsibility of the Cabinet Secretary for Rural Affairs, Land Reform and Islands; and on matters relating to energy within the responsibility of the Cabinet Secretary for Wellbeing Economy, Fair Work and Energy.



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Introduction

1. The [Transport \(Scotland\) Act 2019 Amendment Regulations 2023](#) [draft] were laid in the Scottish Parliament on 14 September 2023 and are subject to affirmative procedure. The draft Regulations were referred to the Net Zero, Energy and Transport Committee for consideration.
2. It is for the Net Zero, Energy and Transport Committee to recommend to the Scottish Parliament whether the draft Regulations should be approved. On 18 September 2023, the Minister for Transport lodged motion [S6M-10469](#) proposing that the Committee recommends the draft Regulations be approved.
3. As described in the [policy note](#), the purpose of the instrument is to "fix missed and incorrect cross-references in the [Transport \(Scotland\) Act 2019](#), which came about because of Stage 2 and Stage 3 amendments made when the Bill was passing through Parliament. These corrections are needed so all provisions of the Act which refer to other provisions do this properly so the Act can be given full effect." ¹

Delegated Powers and Law Reform Committee Consideration

4. At its meeting on 26 September 2023, the Delegated Powers and Law Reform (DPLR) Committee considered the instrument and determined that it did not need to draw the attention of the Parliament to the instrument on any grounds within its remit.²

Net Zero, Energy and Transport Committee Consideration

5. At its meeting on 3 October 2023, the Committee took evidence from—
- Fiona Hyslop, Minister for Transport;
 - Bridget Bryden, Bus Regulatory Policy Team Leader, Transport Scotland; and
 - Kevin Gibson, Solicitor, Scottish Government.

6. The evidence taken at the meeting can be read in the Official Report.

[Read the Official Report - 3 October 2023](#)

7. The Minister made opening remarks and stated, "the regulations make relatively minor technical amendments to the Act, to ensure that full effect is given to the Parliament's intention in passing it." ³
8. The Committee asked the Minister to clarify when the errors first came to the Scottish Government's attention and if the errors could have led to anyone inadvertently not complying with the law.
9. Kevin Gibson stated that the errors have been identified "quite early, some not too long after the Act was published, and some fairly recently." He assured the Committee that no one had inadvertently failed to comply with the law because the provisions in question were not yet in force. The Scottish Government intends bring these into force in the next few months and is correcting the errors before the law comes into effect. ⁴
10. The Committee asked for clarification on the exact date when the errors first came to the Scottish Government's attention.
11. The Minister responded—
- ” There are many important provisions within the 2019 Act, so we must ensure that they can come into force. The Act became legislation around the end of 2019. Not long after that, we headed into the pandemic and people working right across Government were diverted from legislative and other policy work into managing the pandemic. Understandably, the provisions, including any corrections, were delayed. A number of provisions are now in process and instruments have already been laid that will help us to implement the powers that are within the 2019 Act." ⁵
12. There were no further questions.
13. Following the evidence session, the Minister moved motion [S6M-10469](#) in her name—

That the Net Zero, Energy and Transport Committee recommends that the Transport (Scotland) Act 2019 Amendment Regulations 2023 [draft] be approved.

14. The motion was agreed to.

Conclusion

15. The Net Zero, Energy and Transport Committee recommends that the draft Transport (Scotland) Act 2019 Amendment Regulations 2023 be approved.

- 1 Scottish Government (2023). [The Transport \(Scotland\) Act 2019 Amendment Regulations 2023: Policy Note \(legislation.gov.uk\)](#)
- 2 Delegated Powers and Law Reform Committee. 54th Report, 2023 (Session 6). [Subordinate Legislation Considered by the Delegated Powers and Law Reform Committee on 26 September 2023](#). (SP Paper 439)
- 3 Net Zero, Energy and Transport Committee, [Official Report](#) , 3 October 2023, Col 3
- 4 Net Zero, Energy and Transport Committee, [Official Report](#) , 3 October 2023, Col 3
- 5 Net Zero, Energy and Transport Committee, [Official Report](#) , 3 October 2023, Cols 3-4

