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Net Zero, Energy and Transport Committee

Net Zero, Energy and Transport Committee report on the Transport Partnerships (Transfer of Functions) (Scotland) Order 2024 [draft]



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For information on the Scottish Parliament contact Public Information on:
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Email: sp.info@parliament.scot

Contents

Introduction	1
Delegated Powers and Law Reform (DPLR) Committee consideration	2
Net Zero, Energy and Transport Committee consideration	3
Conclusion	5

Net Zero, Energy and Transport Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Transport, the Cabinet Secretary for Wellbeing Economy, Net Zero and Energy, with the exception of matters relating to wellbeing economy, and just transition; and 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.



netzero.committee@parliament.scot



0131 348 6039

Committee Membership



Convener
Edward Mountain
Scottish Conservative
and Unionist Party



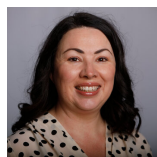
Deputy Convener
Ben Macpherson
Scottish National Party



Bob Doris
Scottish National Party



Jackie Dunbar
Scottish National Party



Monica Lennon
Scottish Labour



Douglas Lumsden
Scottish Conservative
and Unionist Party



Mark Ruskell
Scottish Green Party

Introduction

1. The Transport Partnerships (Transfer of Functions) (Scotland) Order 2024 was laid before the Scottish Parliament on 26 March 2024. The draft instrument was referred to the Net Zero, Energy and Transport Committee for consideration and is subject to the affirmative procedure, meaning it must be approved by the Scottish Parliament before it can come into force.
2. It is for the Net Zero, Energy and Transport Committee to recommend to the Scottish Parliament whether the draft Order should be approved. On 27 March 2024, the Minister for Agriculture and Connectivity, lodged motion S6M-12678, proposing that the Committee recommends the draft Order be approved.
3. The purpose of the Order is to grant three Regional Transport Partnerships (RTPs) the ability to exercise certain functions related to bus services under the Transport (Scotland) Act 2001, as amended by the Transport (Scotland) Act 2019. The RTPs are Shetland Transport Partnership (“ZetTrans”), South-West of Scotland Transport Partnership (“SWestrans”) and West of Scotland Transport Partnership (also known as Strathclyde Partnership for Transport or “SPT”).
4. Under the Transport (Scotland) Act 2005, the Scottish Ministers could confer on RTPs powers to set up Quality Partnerships (QPs) and Quality Contracts (QCs), as established in the 2001 Act.
5. The 2019 Act amended the concepts of QPs and QCs to Bus Service Improvement Partnerships and Local Service Franchises. Following the passage of the 2019 Act, RTPs could exercise their QP and QC functions through a transitional arrangement until December 2023, when they were repealed.
6. This new Order under the 2005 Act extends the powers to enter into Bus Improvement Partnerships and establish Local Service Franchises to RTPs.

Delegated Powers and Law Reform (DPLR) Committee consideration

7. At its meeting on 16 April 2024, the 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.

[Read the Official report - 16 April 2024](#)

Net Zero, Energy and Transport Committee consideration

8. At its meeting on 30 April 2024, the Committee took evidence on the draft Order from:

- Jim Fairlie, Minister for Agriculture and Connectivity, Scottish Government;
- Bridget Bryden, Bus Regulatory Policy Team Leader, Transport Scotland;
- Bettina Sizeland, Director of Bus, Accessibility and Active Travel, Transport Scotland; and
- Kevin Gibson, Lawyer, Scottish Government

9. The evidence taken at the meeting can be read in the Official Report, which is available at the following web page—

[Read the Official Report - 30 April 2024](#)

10. In his opening remarks, the Minister explained the purpose of the instrument was to afford RTPs powers through the Transport (Scotland) Act 2019 to run their own bus services by establishing bus service improvement partnerships and franchising frameworks. These powers are afforded to local transport authorities through the Act and this instrument confers these on RTPs too. He further explained RTPs previously had similar powers in their ability to form “quality partnerships” and “quality contract functions”, both now repealed.

11. The Committee raised concerns about the policy note accompanying the instrument. Specifically, it does not define Quality Partnerships (QPs) and Quality Contracts (QCs) making it difficult for the Committee to understand the instrument. The Committee asked the Scottish Government to consider the level of background information provided in future policy notes. Scottish Government officials agreed to take these comments on board when preparing policy notes in future.

12. The Committee asked whether additional funding would be made available to transport authorities and highlighted the wider challenges facing bus services across Scotland. Whilst the Minister was unable to commit to future funding support for local authority bus services, he did highlight the £5m capital funding allocated in the 2024-25 Scottish Government budget and the £1m for community bus funds.

13. The Committee asked whether the Scottish Government supported the proposal in the consultation run by the SPT to establish a municipal bus company. The Minister reaffirmed the Scottish Government’s commitment to local bus services and said such decisions were for local authorities and transport partnerships.

14. The Committee also asked about the Scottish Government’s wider vision for bus services. The Minister stated the Scottish Government’s position was to encourage the use of bus services by any means necessary and the Fair Fares Review was highlighted by officials.

15. On 18th April 2024, the then Cabinet Secretary for Wellbeing Economy, Net Zero and Energy told Parliament the Scottish Government would explore a new national integrated ticketing system for public transport in Scotland. The Committee asked whether any of the three RTPs referred to in the instrument would be piloting the new system. Officials stated that an announcement regarding the new integrated ticketing system was made as part of the Fair Fares Review, but they were yet to have detailed discussions with local authorities and operators.
16. The Committee raised concerns about the time it was taking to deliver policy commitments relating to the roll-out of integrated ticketing systems and a lack of information about the participation of the three RTPs. Officials stated that to deliver a national integrated ticketing system, all local transport authorities, including the three RTPs would need to have a role and that the three RTPs are represented on the National Smart Ticketing Advisory Board (NSTAB).
17. The Committee asked whether the RTPs had asked for the powers to set up QPs. Officials stated that the RTPs had accepted the powers and outlined the wider consultation with RTPs following the introduction of the 2005 and 2019 Transport (Scotland) Acts. The Committee also asked why only four out of seven RTPs in Scotland were included in this Order. Officials explained that when the RTPs were established in 2005, only the three RTPs included in the Order had sought to take on the additional powers related to the provision of bus services powers. Officials further stated that there was a commitment to review this following the Fair Fares Review and that they were looking to ensure that "the RTPs that had access to the older bus powers are also able to access the new bus powers."
18. Finally, the Committee questioned whether the powers afforded to RTPs would incur additional costs. Officials highlighted that a Business and Regulatory Impact Assessment was completed as part of the 2019 Act and that while there would be no cost to local authorities in holding these powers there would be a cost if they choose to use them.
19. Following the conclusion of evidence taking, the Minister moved motion [S6M-12678](#) in his name—

That the Net Zero, Energy and Transport Committee recommends that the Transport Partnerships (Transfer of Functions) (Scotland) Order 2024 [draft] be approved.

The motion was agreed to without debate or division.

Conclusion

The Net Zero, Energy and Transport Committee recommends that the Transport Partnerships (Transfer of Functions) (Scotland) Order 2024 [draft] be approved.

