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The Convener  
Net Zero Energy and Transport Committee  
The Scottish Parliament

11 March 2022

Dear Convener

### **Implementation of the Bus Provisions of the Transport (Scotland) Act 2019**

Further to the then Minister for Transport's letter of 22 June 2021 to the Net Zero Energy and Transport Committee (which preceded consultation to inform the development of the necessary secondary legislation and guidance), I am writing to inform the Committee of my announcement today of our plans for the implementation of the bus provisions of the Transport (Scotland) Act 2019.

We plan to commence section 34 of the Transport (Scotland) Act 2019 (Provision of bus services etc. by local transport authorities) before the summer recess and lay the legislation necessary for commencement of section 39 (provision of service information when varying or cancelling a registration) before the end of this year. We aim to introduce the necessary secondary legislation for sections 35 to 38 (Bus Service Improvement Partnerships and local services franchises) before the end of 2023.

We have today published the consultation results and analysis which are available via the following web link :<https://www.transport.gov.scot/publication/implementing-part-three-of-the-transport-scotland-act-2019-bus-services-analysis-of-consultation-responses/>

A high level summary of the main aspects and consultation responses is provided as follows:

Section 34 of the Transport (Scotland) Act 2019 Act ("the Act") provides local transport authorities (LTAs) with the power to run their own services in any way they see fit within the wider context of their obligations. This power sits alongside their existing ability to subsidise services. On this, respondents indicated no desire for additional duties to be imposed on LTAs in how they run services. Instead, respondents made suggestions on supporting information to help implement this provision, including in relation to legislative requirements, competition impacts, the sharing and generation of data and information for planning public

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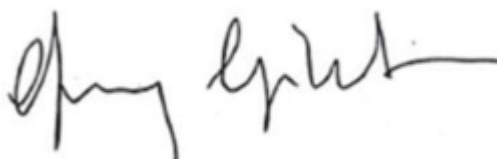
transport networks, examples of best practice and case studies, and funding for LTAs to implement the provisions.

Sections 35 to 37 of the Act provide for Bus Service Improvement Partnerships which are a new type of statutory partnership between LTAs and bus operators. As part of a partnership, a range of service standards can be set, including on the frequency or timing of services, the vehicles used, maximum fares charged for particular journeys, and the pricing of multi-operator travel cards. Respondents commented on a range of aspects relating to the operation of the model, including processes related to the preparation, variation and revocation of partnership plans and schemes, the partnership voting mechanism, accessibility provisions and the scrutiny of the partnership, among others.

Section 38 of the Act provides for local services franchising which allows LTAs to award exclusive rights for the operation of a service or services to the most competitive bidder for a set period under certain conditions. During this period, no other operator can run those services. On franchising, respondents commented on guidance required for LTAs on the making of a franchise assessment, guidance for auditors assessing the LTA's business case for a franchising framework, relevant information required, and the composition of the independent panel considering the making of the framework.

I hope the Committee finds this information useful.

Yours sincerely



**JENNY GILRUTH**