Local Government and Transport Committee

5th Meeting, 2006

Tuesday 21 February 2006

The Committee will meet at 2 pm in Committee Room 2

1. **Subordinate legislation:** The Committee will take evidence on the National Bus Travel Concession Scheme for Older and Disabled Persons (Scotland) Order 2006 (SSI 2006/ draft) from—

   **Panel 1**
   
   Jo Cowan, Community Worker (Lochaber), Age Concern Scotland;
   
   Trevor Meadows, Convener, Mobility and Access Committee for Scotland; and
   
   Roderick McLeod, Member, Mobility and Access Committee for Scotland

   **Panel 2**
   
   Marjory Rodger, Director of Government Relations Scotland, CPT;
   
   George Mair, Managing Director, First Aberdeen;
   
   Robert Andrew, Deputy Managing Director, Stagecoach Scotland; and
   
   John Elliot, Chief Executive, Traveline Scotland

2. **Subordinate legislation:** Tavish Scott (Minister for Transport) to move motion S2M-3869—

   that the Local Government and Transport Committee recommends that the draft National Bus Travel Concession Scheme for Older and Disabled Persons (Scotland) Order 2006 be approved.

3. **Subordinate legislation:** The Committee will debate the following motions—

   S2M-3899 Mr David Davidson (North East Scotland) (Con) : The Road User Charging (Liability for Charges) (Scotland) Regulations 2005— that the Local Government and Transport Committee recommends that nothing further be done under the Road User Charging (Liability for Charges) (Scotland) Regulations 2005 (SSI 2005/651);
S2M-3900 Mr David Davidson (North East Scotland) (Con): The Road User Charging (Penalty Charges) (Scotland) Regulations 2005— that the Local Government and Transport Committee recommends that nothing further be done under the Road User Charging (Penalty Charges) (Scotland) Regulations 2005 (SSI 2005/652); and

S2M-3901 Mr David Davidson (North East Scotland) (Con): The Road User Charging Schemes (Keeping of Accounts and Relevant Expenses) (Scotland) Regulations 2005— that the Local Government and Transport Committee recommends that nothing further be done under the Road User Charging Schemes (Keeping of Accounts and Relevant Expenses) (Scotland) Regulations 2005 (SSI 2005/654).

4. **Subordinate legislation:** Tavish Scott (Minister for Transport) to move motion S2M-3868—

that the Local Government and Transport Committee recommends that the draft Transfer of Functions from the Strathclyde Passenger Transport Authority and the Strathclyde Passenger Transport Executive to the West of Scotland Transport Partnership Order 2006 be approved.

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**Agenda item 1**

Submission from Age Concern

Submission from MACS

**Agenda item 2**

Covering note on the draft National Bus Travel Concession Scheme for Older and Disabled Persons (Scotland) Order 2006

Copy of the instrument

**Agenda item 3**

Covering note on the Road User Charging Schemes (Liability for Charges) (Scotland) Regulations 2005, (SSI 2005/651)

Copy of the instrument

Covering note on the Road User Charging Schemes (Penalty Charges) (Scotland) Regulations 2005, (SSI 2005/652)

Copy of the instrument

Covering note on the Road User Charging Schemes (Keeping of Accounts and Relevant Expenses) (Scotland) Regulations 2005, (SSI 2005/654)

Copy of the instrument
Note from the Clerk on Motions to annul

Agenda item 4

Covering note on the draft Transfer of Functions from the Strathclyde Passenger Transport Authority and the Strathclyde Passenger Transport Executive to the West of Scotland Transport Partnership Order 2006

Copy of the instrument
Submission from Age Concern

CONSULTATION PAPER ON THE SCOTLAND-WIDE FREE BUS SCHEME FOR OLDER AND DISABLED PEOPLE

Question 1:
Do you have any comments on the scheme as described above and as set out in the draft Order on the scheme?

A country-wide scheme is welcomed. Discretionary schemes operating only within one authority area are often of little benefit to older people whose main transport needs take them across area boundaries.

Although the scheme is welcomed, it will be of no benefit to the very high number of older people who cannot access eligible bus transport as described – either because there is no bus route in their area or because the buses are physically inaccessible. The transport services available to this sector of our older population are often unregulated services such as community car schemes and community minibuses offering services for particular groups. It is disappointing that there is no provision within the scheme to enable free transport for older people on these vital services. Our least well-served areas will continue to have least benefit from fare concessions. Our least mobile older citizens will still be paying for their transport. The transport schemes which serve them will still be locked into discretionary assistance from local authorities and funding from charitable sources.

Another weakness of the scheme is that it is firmly based on commercial fares. This means that re-imbursement to community services which do not charge a commercial rate will fall well short of the costs incurred.

“There will be rules about use of the card on the bus. If a card does not work when presented, two options will be available to the holder. First, the holder can agree to the card being withdrawn by the driver. The holder will then be given a receipt that is valid for travel on all eligible services for the remainder of that day. Second, the holder can retain the card and pay the fare for their travel.”

Does this mean that if a card-reader on a bus malfunctions, the card will be withdrawn? This seems highly unfair. The above arrangement will cause great difficulties for eligible people who live in areas which are poorly served by transport. How will people get a new card within one day only? Surely a longer period of coverage (up to a week) should be allowed by the receipt and the eligible person should be able to renew by post.
the card will cover other services (eventually) what provision will be made for access to those services while the card is withdrawn? What provision will be made for access to transport services when other service providers need to withdraw the card for whatever reason?

Under the scheme rules underlying the Order but not set out in the Order, if an operator operates an optional seat reservation system, the operator will have the discretion to charge a fee for reservations. However, it will be necessary also for concessionary passengers to have the option of traveling without a reservation. Moreover, concessionary passengers who have not made a reservation must be carried on a first-come-first-served basis with no discrimination between them and any other passengers without a reservation.

If the operator has an optional seat reservation system and they charge a fee only to those with the concession card, will this be allowed? Is there going to be a requirement that the discretionary fee is “reasonable” so that people who are meant to be traveling free are not “fared” by other means? What happens when operators have an automatic seat reservation system tied into ticket-purchase - which allocates seats as you buy tickets? Surely this will disadvantage concessionary travelers by automatically placing them at the “back of the queue” when it comes to seat allocation.

The means of booking tickets are often not appropriate or accessible to older people and people with disabilities.

Our experience of the existing concessions is that older people have often been treated poorly by operators in this respect: they have been made to feel like second class citizens in receipt of charity. They have had to cope with uncertainty around whether seats will be available for them. As the concession relates to a single fare, this means that concessionary travelers are disadvantaged by having to make two reservations rather than one. Surely, they should be able to pre-reserve a return journey just like any other traveler?

Will there be any requirement on operators to provide additional services where demand exceeds current provision?

**Question 2:**
*Do you have any comments on the categories of people who will be eligible to use the scheme as described above and as set out in the draft Order on eligibility?*

“It provides that eligibility will be based on residence in Scotland and the current intention is that residence will be based on 6 months permanent residence.”

The requirement for 6 months permanent residence excludes from the scheme people who move from one area within the UK where they may have been eligible for free or highly subsidized travel. I feel this disadvantage is highly contrary to the intention of this scheme. What arrangements could be put in place to ensure that people in this category are not placed in hardship?

**Question 3:**
*Do you have any comments on self-assessment or assessment of impairment more generally to access the national scheme?*
Further research into this area is required to ensure that people who should be eligible are not being excluded by the criteria used.

**Question 4:**
*Do you have any comments on the bus and coach services which will be included in the scheme as described above and as set out in the draft Order on eligibility?*

The greatest transport disadvantage is experienced by those older people and people with disabilities whose needs dictate that they require special transport services. The kind of service they need may or may not be available to them. At the very least, where a service is available, it should be brought under this scheme and rendered free of charge to those eligible for free bus travel. If the Scottish Executive has a real commitment to ensuring that all older people and people with disabilities have equality of access to free transport, a great deal of work needs to be carried to ensure that this can be achieved.

**Question 5:**
*Do you have any comments on the proposals to implement the commitment to give older and disabled islanders an entitlement to a minimum of two free return ferry trips to the mainland?*

The term “islanders” covers a wide variety of situations with widely varying significance for access to free bus travel. A “one size fits all” solution is not appropriate. Surely, our island communities deserve proper research into their equality of access to this concession and entitlement based on the outcome of this research.
CONSULTATION PAPER ON THE SCOTLAND–WIDE FREE BUS SCHEME FOR OLDER AND DISABLED PEOPLE

RESPONSE FROM THE MOBILITY AND ACCESS COMMITTEE FOR SCOTLAND (MACS)

Introduction and General Comments

MACS is an advisory non-departmental public body (NDPB), established under Section 72 of the Transport (Scotland) Act 2001, and set up in May 2002. Its main duties are to consider the transport needs in Scotland of disabled people and to give advice to the Scottish Ministers on aspects of policy that affect the travel needs of disabled people.

The Committee’s vision is of a Scotland where anyone with a mobility problem due to some physical mental or sensory impairment can go when and where everyone else can and have the information and opportunities to do so.

In August 2003, the Committee issued a position statement on concessionary fares and it still stands by the point it made at that time, namely that offering a concession is only one part of a comprehensive solution towards increasing the mobility of disabled people. For many disabled people cost is not the main barrier to travel. There are other factors that are equally important. For example accessibility of the vehicles, accessibility to information, attitude of staff, availability of the transport service from door to door - for many people with a mobility problem a major hurdle in using the Scotland-wide concessionary scheme will be the distance that they live from the bus stop.

To encourage and give disabled and elderly people the confidence to use the Scotland-wide concessionary travel scheme it is imperative that appropriate disability awareness training is provided by the transport operators to their staff and that accessible information about the scheme is available to all potential users. MACS wishes to take this opportunity to remind
the Scottish Executive, transport operators and local authorities about our two publications

“Recommended minimum training standard for staff assisting disabled people” and

“Valuable for anyone, valuable for everyone – providing accessible information about travel”

MACS commends the fact that the introduction of a Scotland-wide concessionary travel scheme

• introduces a level playing field across Scotland
• extends travel beyond off peak to all day and
• introduces an Entitlement card using smart card technology that can be used over time to access an increasing number of public services

However, the Committee is disappointed that the significant amount of money that is being invested in the scheme will not improve the mobility of older and disabled people commensurately. We would refer you to the findings of the Reid Howie report that stated that “the recent introduction of free local off-peak bus travel for those over 60 appears to have had little or no impact on the very large number of disabled people who live in areas where there is little accessible public transport, who cannot use public transport, or who live some distance from services and who are therefore reliant on personal transport”¹. The view of the Committee is that the only barrier to travel that the scheme addresses is in relation to cost and that the main outcome under the present proposals is likely to be that those who can use existing local schemes will use the Scotland-wide scheme more often and for longer journeys i.e. it is unlikely to result in a significant rise in the number of people with mobility problems using the scheme.

In the interests of best value and accountability the Committee urges the Scottish Executive to ensure that Transport Scotland sets objectives which will monitor the outcomes of the Scotland-wide scheme and provide information about the usage of the

¹ SE Research Findings No 180/2004
scheme in relation to the number of journeys, the demographics of the population etc.

The Committee is concerned that, whilst local authorities will have the scope to continue entitlements to additional local concessionary travel schemes under discretionary powers, the additional funding provided by the Scottish Executive under Grant Aided Expenditure funding to meet these services is not ring fenced and therefore the ongoing delivery of these services cannot be guaranteed.

The comments above relate to the scheme in general and in relation to the specific questions posed in the consultation document MACS offers the following additional comments: -

**Specific comments in response to questions 1-5**

**Question 1:** Do you have any comments on the scheme as described above (page 5) and as set out in the draft order on the scheme?

**Comments**
Reservations about the effectiveness of the scheme improving the mobility of older and disabled people have been expressed above.

**Question 2:** Do you have any comments on the categories of people who will be eligible to use the scheme as described above and as set out in the draft order on eligibility?

**Comments**
As a member of the task group that considered eligibility issues over the summer months prior to the publication of the consultation document MACS has endeavoured to ensure that everyone with a mobility problem will have access to the Scotland-wide scheme. However given the time constraints involved it was not possible or feasible for MACS to consult with disability organisations and the Committee wishes to draw attention to this in our response.

The Committee wishes to highlight the disparity of the scheme whereby anyone over the age of 60 is automatically eligible irrespective of whether he/she has any mobility problems against the requirement for a disabled person to provide evidence, using a medical model of disability, to indicate that he/she has a mobility problem.
We suggest that the age entitlement of the scheme is kept under constant review in keeping with the Government’s aim to equalise retirement age at 65. Eventually this would reduce the overheads of the scheme and free up more cash to deal with real mobility issues.

Question 3: Do you have any comments on self assessment or assessment of impairment more generally to access the Scotland-wide scheme?

Comments
MACS welcomes the inclusion of this question in the consultation exercise and wishes to indicate a willingness to work with the SE to ensure that a pilot scheme is taken forward.

In recognition of the fact that there was little research evidence available to support our proposal MACS is currently commissioning research to identify areas or other services where self assessment using a social model of disability has been used as a tool to assess a disabled person’s eligibility for access to free/assisted passenger transport. It should be noted that a core value in the Disability Rights Commission’s Strategic plan states, “We will approach our work from the viewpoint of the social model of disability”.

The consultation document states that our proposal was considered to have a high risk of potential fraud. We would ask the SE via the transport operators and local authorities to provide and quantify the evidence to support the claim that the current procedures are open to abuse. It should be noted that the current procedures mainly use a medical model of disability and do not appear to be working efficiently.

Question 4: Do you have any comments on the bus and coach services which will be included in the scheme as described above and as set out in the draft order on eligibility?

2 Disability Rights Commission Strategic Plan, 2004/5 to 2006/7
http://www.drc-gb.org/
Comments
As drafted the scheme currently excludes Demand Responsive Transport systems. In our opening remarks we emphasised that access to travel from door to door was important for disabled people. Therefore we would ask for a commitment to explore, within a short timescale, how other service types can be included in the definition of eligible services to maximise mobility for older and disabled people. Also we would ask the Scottish Executive to put in place a suitable and adequate method of funding that takes account of growth in demand for such services.

We also feel that the discretion given to operators to charge a fee for reservations will discourage disabled people who need to make such a reservation in order to secure a designated space (where one exists) or otherwise reduce anxiety, especially on less frequent/longer distance services. This will in effect mean the journey is no longer "free" and the charge could be substantial. We would suggest that the cost of taking reservations should always be absorbed by the general fare income.

Question 5: Do you have any comments on the proposals to implement the commitment to give older and disabled islanders an entitlement to a minimum of 2 free return ferry trips to the mainland?

Comments
The Committee wishes to stress the unfairness of limiting the service to two trips per year given the fact that the scheme is described as a Scotland-wide travel scheme and the fact that for many islanders the ferry is the main mode of transport. We are also seeking confirmation that users of existing local schemes in the areas served by Highland Council and SPT will continue to enjoy unlimited travel after 1 April 2006.

MACS
December 2005
SSI Cover Note For Committee Meeting

SSI title and number: The National Bus Travel Concession Scheme for Older and Disabled Persons (Scotland) Order 2006

Type of Instrument: Affirmative

Meeting: 5th meeting, 21 February 2006

Date circulated to members: 19 January 2006

SSI drawn to Parliament's attention by Sub Leg Committee: Yes (see annex and appendix)

Purpose: This Order makes provision for a National Bus Travel Concession Scheme for Older and Disabled Persons, to come into force on 1st April 2006.
Annex

The National Bus Travel Concession Scheme for Older and Disabled Persons (Scotland) Order 2006, (SSI 2006/draft)

1. The Committee asked the Executive to clarify, in relation to article 7 of the Order, whether an operator can decide not to enter the Scheme.

2. The Executive has replied that article 7 should be read together with article 8 which provides that, where the Scottish Ministers admit an operator to the Scheme, they shall issue a notice of admission to the operator requiring them to provide travel concessions in accordance with the Scheme.

3. The Executive’s response sets out detail in relation to a number of provisions in the Order but it does not appear to the Committee that the Executive has provided a clear answer to the Committee’s question. It remains unclear to the Committee whether an operator has to apply to enter the Scheme or whether such entry is automatic, subject to disapproval by Ministers.

4. The Committee therefore draws the attention of the lead Committee and Parliament to the instrument on the grounds that its meaning could be clearer.
APPENDIX

The National Bus Travel Concession Scheme for Older and Disabled Persons (Scotland) Order 2006, (SSI 2006/draft)

On 24th January 2006 the Committee asked the Executive for an explanation of the following matter:

“In relation to article 7, it was not clear to the Committee whether an operator can decide not to enter the Scheme. The Executive is asked for clarification.”

The Scottish Executive responds as follows:

1. In terms of article 7, the Scottish Ministers are given the power to admit certain operators to the Scheme. This should be read together with article 8 which goes on to provide that, where the Scottish Ministers admit an operator to the Scheme, they shall issue a notice of admission to the operator requiring them to provide travel concessions in accordance with the Scheme. This is specifically envisaged by the enabling power in the Transport (Scotland) Act 2005 (asp 12). Section 40 (4)(c) of the 2005 Act provides that the scheme (as contained in the order) must include provision “requiring or enabling operators of eligible services to provide travel concessions”.

2. If the Scottish Ministers refuse to admit an operator to the Scheme then the operator has the opportunity to appeal against that decision within 56 days (article 8(3)). Also, an operator may seek to withdraw from the Scheme provided that they give the Scottish Ministers 56 days notice in writing of their intention to withdraw (article 9(1)). On receiving such a notice, the Scottish Ministers may serve the operator with a compulsory participation notice requiring the operator to participate in the Scheme (article 9(2)). An operator who is served with a compulsory participation notice may then appeal against that notice within 56 days of service (article 9(4)).
SSI Cover Note For Committee Meeting

SSI title and number: The Road User Charging Schemes (Liability for Charges) (Scotland) Regulations 2005, (SSI 2005/651)

Type of Instrument: Negative

Meeting: 5th meeting, 21 February 2006

Date circulated to members: 6 January 2006

SSI drawn to Parliament’s attention by Sub Leg Committee: No

Motion for annulment: Yes (please see the paper from the Clerk on motions for annulment)

Purpose: These Regulations specify the persons liable for charges for road user charging schemes, under section 49(4) of the Transport (Scotland) Act 2001.
SSI Cover Note For Committee Meeting

SSI title and number: The Road User Charging Schemes (Penalty Charges) (Scotland) Regulations 2005, (SSI 2005/652)

Type of Instrument: Negative

Meeting: 5th meeting, 21 February 2006

Date circulated to members: 6 January 2006

SSI drawn to Parliament’s attention by Sub Leg Committee: Yes (see Annex)

Motion for annulment: Yes (please see the paper from the Clerk on motions for annulment)

Purpose: These Regulations make provision for the procedures relating to imposition and liability for penalty charges; examination of, and entry to vehicles; powers of removal and disposal of vehicles; recovery of penalty charges in relation to removed vehicles; taking possession of vehicles; and claims by registered keepers of vehicles after their disposal.
Annex

The Road User Charging (Penalty Charges) (Scotland) Regulations 2005, (SSI 2005/652)

1. The Executive was asked to explain the drafting of regulation 8(1), and asked whether it should read “purpose specified in section 56(2)(a)” rather than “purpose of” that section.

2. The Executive agreed that the wording proposed by the Committee would be more appropriate, although it considered that the purpose of the provision is clear from the existing drafting.

3. The Committee therefore reports this instrument to the lead Committee and Parliament on the grounds of defective drafting.

4. The Committee asked for an explanation for the vires for regulation 10(6) and the provisions relating to the contents of a vehicle contained in regulations 11 and 13. The Committee also noted that regulation 12 makes no reference to the contents of a vehicle and asked whether this was deliberate.

5. The Executive cited section 81(2) as the vires for regulation 10(6) and the other provisions relating to the contents of a vehicle contained in regulations 11 and 13. There was no reference in regulation 12 to contents of a vehicle as it is not current policy that a charge is made in this regard.

6. The Committee reports to the lead committee and Parliament that further information was requested from and supplied by the Executive.

7. The Committee also asked the Executive to explain why regulation 13(3) was not drafted as a provision to be included in a charging scheme, as it seems to be inconsistent with the other provisions of regulation 13 and with the enabling powers.

8. The Executive agreed that regulation 13(3) could have been drafted in the manner suggested by the Committee but considered that it is something which will have had to be included in a charging scheme and is more relevant to section 64.

9. The Committee notes the Executive’s response and draws it to the attention of the lead Committee and the Parliament.

10. The Committee asked whether any progress has been made with the regulations referred to in regulation 13 (which will deal with appeals).

11. The Executive confirmed that it intends that the regulations referred to in regulation 13 will be in place prior to any charging scheme coming into force.

12. The Committee draws this information to the attention of the lead committee and the Parliament.
SSI Cover Note For Committee Meeting

SSI title and number: The Road User Charging Schemes (Keeping of Accounts and Relevant Expenses) (Scotland) Regulations 2005 (SSI 2005/654)

Type of Instrument: Negative

Meeting: 5th meeting, 21 February 2006

Date circulated to members: 6 January 2006

SSI drawn to Parliament’s attention by Sub Leg Committee: Yes (see Annex)

Motion for annulment: Yes (please see paper from the Clerk on motions for annulment.)

Purpose: These Regulations specify the expenses which may be deducted from the gross amount received under a charging scheme for a financial year in order to determine the net proceeds available for application or distribution.
Annex

The Road User Charging Schemes (Keeping of Accounts and Relevant Expenses) (Scotland) Regulations 2005, (SSI 2005/654)

1. The Committee asked the Executive why it was thought necessary to define “net proceeds” and by extension “relevant expenses” when the former term does not appear in the Regulations and the definition simply repeats the definition in the enabling power.

2. The Executive replied that the term “net proceeds” is used in regulation 3(a). The term “net proceeds” is defined only for the purpose of schedule 1 to the parent Act and therefore the Executive considered that express provision is required, in order that the term in these regulations attracts the same meaning as that contained in the schedule to the parent Act. The definition of net proceeds contains the term “relevant expenses” and regulation 4(1) determines what expenses are relevant expenses.

3. The Committee reports this instrument to the lead committee and Parliament on the grounds of failure to follow proper legislative practice.

4. The Committee also asked why the Executive considered it necessary to include a definition of “charging authority” when the definition simply refers the reader to the definition of that term in the parent Act.

5. The Executive explained that the reason for including the definition of “charging authority” was to ensure that the definition, which applies only to Part 3 of the Act, would apply to these regulations.

6. Again, the Committee reports this instrument to the lead committee and Parliament in the category of failure to follow proper legislative practice.

7. The Committee asked for the reason for the drafting approach adopted in relation to regulation 3, which appears to repeat the obligation imposed by the parent Act.

8. The Executive agreed that regulation 3 follows the general lay out but maintains that it does not repeat the obligation imposed by the parent Act. In general regulation 3 requires that the accounts must be kept, prepared and published in accordance with proper accounting practices, as defined in regulation 2.

9. The Committee brings this to the attention of the lead committee and Parliament on the grounds of defective drafting, and that regulation 3 is technically ultra vires. However, it is thought that the drafting of the regulation would not prevent fulfilment of the policy intention.

10. The Committee noted that the enabling power in paragraph 4 of schedule 1 to the Act includes a reference to joint accounts by charging authorities for which the Regulations do not appear to make provision. The Committee asked if this was deliberate.
11. The Executive explained that the Regulations focus on what is required for a single charging authority. There are no joint schemes currently in place and if a joint scheme were to be proposed it may seek to amend the regulations.

12. **The Committee noted the Executive’s response. The Committee reports the instrument on the grounds of unusually limited use of the power.**

13. Although the Regulations do not directly make provision to this effect, it appeared from the Explanatory Note that the Executive may intend the references to enactments etc in the definition of “proper accounting practices” in regulation 2 to have ambulatory effect. The Committee asked whether this was the intention and if so, which provision authorises this approach.

14. The Executive confirmed that the definition of “proper accounting practices” should have ambulatory effect. The Executive would not want to amend the regulations for each change in proper accounting practices. The Executive considered that the power contained in section 81(2) is sufficiently wide to allow for this.

15. **The Committee reports this instrument to the lead committee and Parliament in relation to the definition of “proper accounting practices” and considers that whilst the current regulations are intra vires, future changes to accounting standards would not be covered by this instrument.**

16. The Committee asked the Executive to explain the purpose of regulation 4(1).

17. The Executive explained that regulation 4(1) determines relevant expenses as all of the expenses incurred by a charging authority in making and operating the scheme.

18. **The Committee reports this regulation to the lead committee and Parliament on the grounds of failure to follow proper legislative practice.**
Motions for Annulment - Procedure

1. The motions for annulment read:

   - S2M-3899 Mr David Davidson: The Road User Charging (Liability for Charges) (Scotland) Regulations 2005—That the Local Government and Transport Committee recommends that nothing further be done under the Road User Charging (Liability for Charges) (Scotland) Regulations 2005 (SSI 2005/651).

   - S2M-3900 Mr David Davidson: The Road User Charging (Penalty Charges) (Scotland) Regulations 2005—That the Local Government and Transport Committee recommends that nothing further be done under the Road User Charging (Penalty Charges) (Scotland) Regulations 2005 (SSI 2005/652).

   - S2M-3901 Mr David Davidson: The Road User Charging Schemes (Keeping of Accounts and Relevant Expenses) (Scotland) Regulations 2005—That the Local Government and Transport Committee recommends that nothing further be done under the Road User Charging Schemes (Keeping of Accounts and Relevant Expenses) (Scotland) Regulations 2005 (SSI 2005/654).

2. For each motion to annul, the member lodging the motion will be invited to speak to the motion and then move it. A debate of up to 90 minutes is permitted on the motion (Rule 10.4.2). The member of the Scottish Executive in charge of the instrument, plus the member lodging the motion for annulment, are entitled to attend the Committee meeting and participate in the meeting for the purpose of debating the motion. However, only members of the Committee can vote on the motion.

3. A separate debate and vote will take place on each instrument, although it would be open to members to make any general remarks on the three instruments during the debate on the first instrument. If this happens, it is likely that this debate will be longer than the debates on the second and third instruments.

4. The Committee has adopted the practice of holding a discussion before the debate on motions for annulment to raise technical points of clarification or other questions. It allows the Minister’s officials to participate in the discussion.
before the debate, which they cannot participate in. It is suggested that the Committee hold one discussion session, covering all three instruments, in advance of the separate debates on each instrument.

5. During the debate on each instrument, after the member who has lodged the motion for annulment has spoken and moved the motion, the Minister is invited to respond, followed by other members of the Committee. The debate can last a maximum of 90 minutes.

6. After other speakers have contributed, the Minister will be given an opportunity to respond to points raised in the debate, and then the mover of the motion can make any concluding remarks.

7. The mover of the motion will then be asked whether he or she wishes to withdraw the motion, or press it to a decision. If the member wishes to withdraw the motion, the Committee will be asked if any member objects. If any member of the Committee objects, the question on the motion must be put.

8. If the question is put to the Committee (either by the mover of the motion or another member), and the motion is agreed to, the Committee has recommended annulment. The Bureau must then lodge a motion for the whole Parliament to consider, under Rule 10.4.4, proposing that nothing further is to be done under the instrument. The Committee is still required to report on the instrument.

9. If the question on the motion is put to the Committee and is disagreed to, the Committee has decided not to recommend annulment. Although this means there will be no debate in the Chamber, the Committee must still report to the Parliament on the instrument.
SSI Cover Note For Committee Meeting

SSI title and number: The Transfer of Functions from the Strathclyde Passenger Transport Authority and the Strathclyde Passenger Transport Executive to the West of Scotland Transport Partnership Order 2006

Type of Instrument: Affirmative

Meeting: 5th meeting, 21 February 2006

Date circulated to members: 19 January 2006

SSI drawn to Parliament’s attention by Sub Leg Committee: No

Purpose: This Order provides for the transfer of all statutory functions relating to transport of the Strathclyde Passenger Transport Authority and the Strathclyde Passenger Transport Executive to the West of Scotland Transport Partnership.