

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

First Delegated Legislation Committee

DRAFT TRANSPORT (SCOTLAND) ACT 2019
(CONSEQUENTIAL PROVISIONS AND
MODIFICATIONS) ORDER 2023

Monday 16 January 2023

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Friday 20 January 2023

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The Committee consisted of the following Members:

Chair: † MR PHILIP HOLLOBONE

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| † Afolami, Bim (<i>Hitchin and Harpenden</i>) (Con) | Newlands, Gavin (<i>Paisley and Renfrewshire North</i>) (SNP) |
| † Amesbury, Mike (<i>Weaver Vale</i>) (Lab) | † Osborne, Kate (<i>Jarrow</i>) (Lab) |
| † Cates, Miriam (<i>Penistone and Stocksbridge</i>) (Con) | † Penning, Sir Mike (<i>Hemel Hempstead</i>) (Con) |
| † Clarke-Smith, Brendan (<i>Bassetlaw</i>) (Con) | † Russell, Dean (<i>Watford</i>) (Con) |
| † Costa, Alberto (<i>South Leicestershire</i>) (Con) | † Smyth, Karin (<i>Bristol South</i>) (Lab) |
| † Lamont, John (<i>Parliamentary Under-Secretary of State for Scotland</i>) | † Trickett, Jon (<i>Hemsworth</i>) (Lab) |
| † Langan, Robert (<i>High Peak</i>) (Con) | † Twist, Liz (<i>Blaydon</i>) (Lab) |
| † Millar, Robin (<i>Aberconwy</i>) (Con) | Jonathan Finlay, <i>Committee Clerk</i> |
| † Mishra, Navendu (<i>Stockport</i>) (Lab) | |
| † Moore, Robbie (<i>Keighley</i>) (Con) | † attended the Committee |

First Delegated Legislation Committee

Monday 16 January 2023

[MR PHILIP HOLLOBONE *in the Chair*]

Draft Transport (Scotland) Act 2019 (Consequential Provisions and Modifications) Order 2023

4.30 pm

The Parliamentary Under-Secretary of State for Scotland (John Lamont): I beg to move,

That the Committee has considered the draft Transport (Scotland) Act 2019 (Consequential Provisions and Modifications) Order 2023.

The draft order was laid before the House on 22 November 2022; I am pleased to have the opportunity to debate it. The order is part of the Government's ongoing commitment to devolution. It is made under section 104 of the Scotland Act 1998, which allows for legislative provision to be made where it is necessary or expedient in consequence of an Act of the Scottish Parliament.

In this case, the draft order contains amendments to section 26(1) of the Transport Act 1985, as a consequence of the Transport (Scotland) Act 2019. Those provide new powers to the traffic commissioner to impose public service vehicle licence conditions on operators who fail to discharge obligations imposed on operators under the 2019 Act and this order.

The 2019 Act is also a multi-topic piece of legislation that was designed to deliver a more responsive and sustainable transport system for everyone in Scotland. The Act makes provision in a range of areas, such as pavement parking, roadworks, workplace parking licensing, smart metering, low emission zones and bus services, the latter three of which are the genesis of the draft order. The Act also empowers local authorities and establishes consistent standards in a range of areas to tackle current and future challenges for transport in Scotland.

I will now explain the effect of the order and the provision that it will make. It will permit the Driver and Vehicle Licensing Agency and the Joint Air Quality Unit to share vehicle information to relevant Scottish bodies to enable the operation and enforcement of low emission zones.

The order will make provision updating the enforcement regime for the competition test under section 37 of the Transport (Scotland) Act 2001. That will ensure that it applies to a Scottish local transport authority's functions in relation to bus service improvement partnerships. This replaces the quality partnership model that was introduced in the 2001 Act. The amended enforcement regime will also apply to the making and varying of ticketing schemes made under the 2001 Act after the amended regime comes into force.

The order will make equivalent provision to that made under part 2 of schedule 10 to the Transport Act 2000 to apply a bespoke set of rules to certain agreements,

decisions and practices made pursuant to bus service improvement partnerships, in place of the chapter 1 prohibition under the Competition Act 1998.

Furthermore, the order will make provision to ensure that the rights and protections afforded by the Transfer of Undertakings (Protection of Employment) Regulations 2006—known as TUPE—will apply to employees who are affected when local services franchising is introduced in an area in Scotland. That includes provision allowing local transport authorities to request certain employee information from bus operators. In connection with that, the order will ensure that pension protection applies to circumstances that are to be treated as “relevant transfer” for the purposes of TUPE, when local services franchising is introduced in an area of Scotland.

Although certain transport matters are devolved to Scotland, I am pleased to support the important legislation through this Scotland Act order on behalf of the United Kingdom Government. I therefore commend the draft order to the Committee.

The Chair: The debate may last until 6 o'clock.

4.34 pm

Liz Twist (Blaydon) (Lab): It is a pleasure to serve under you as Chair of the Committee, Mr Hollobone. We support this draft statutory instrument. As the Minister said, it makes provision to support the enforcement of low emission zones and amends conditions for bus franchising.

Scotland played host to the COP26 conference in Glasgow in 2021, where the UK and others rightly made commitments on getting to net zero. If we are going to reach those goals, as we simply must, low emission zones have to be part of that across the UK. In Holyrood, Labour laid amendments during the progress of the 2019 Act to speed up the process of implementing LEZs and ensure that local authorities did not drag their feet. Has the Minister had discussions with the Scottish Government and local authorities to ensure that LEZs are implemented as intended?

My Labour colleagues in Holyrood successfully amended that Bill to lift the ban on councils running bus services, and thank goodness they did, because bus services in Scotland have deteriorated under the current model. In fact, even before covid, the number of bus journeys in Scotland had fallen by almost a quarter over the past decade—a drop of 107 million journeys.

The quality of bus services is particularly important, because people who use buses often rely on them. People earning less than £15,000 a year are the largest users of buses in Scotland, while 58% of users are women. Analysis by the Joseph Rowntree Foundation concluded that those living in low-income neighbourhoods in Scotland have their employment opportunities limited by unaffordable and unreliable public transport. What discussions has the Minister had with Scottish Government Ministers on ensuring that bus services are available and on time for those who need them?

The order allows employment and pension rights to be protected when franchises change, but, at the same time, the UK Government are introducing legislation to rip up the rights of workers across Britain. Does the Minister think that clapping for frontline workers is compatible with destroying their ability to fight for the pay they deserve?

I appreciate the Minister laying this statutory instrument before Parliament. As I said, we will support it so that we can make much needed progress towards net zero and improving bus services in Scotland.

4.37 pm

John Lamont: I am grateful to the hon. Lady for her valuable contribution. She asked a number of questions about the order and discussions that the Government have had with the Scottish Government and councils. The important point is that this is an enabling piece of legislation. It is up to local authorities to decide the location of LEZs, for example, and other measures that are being introduced. The intention is not for the order to prescribe those measures, but it will allow local authorities to implement them across Scotland.

The hon. Lady made a number of points on bus services. As a bus user, I very much recognise what she said about the importance of bus services and their availability. Again, that matter is devolved to the Scottish Government. I know from my constituency that the council's work with local bus providers is key to ensuring that buses are more readily available and that local people are encouraged to use them more than they perhaps have.

The hon. Lady spoke about the legislation going through the House on strikes. The Government are unapologetic about our commitment to ensuring that key services are protected. Strikes should not deprive people of access to NHS services, including ambulances

and other critical services on which our constituents are entirely dependent. It is right that the Government can take the action that we are taking to protect those services and our constituents. I am disappointed that she does not agree with those aspirations.

Sir Mike Penning (Hemel Hempstead) (Con): The Minister must have convinced Scottish National party Members so brilliantly that they have not turned up to this Committee today. Would that be the case, or are they just not interested in devolution in Scotland?

John Lamont: I am grateful for my right hon. Friend's important point. It is noticeable that there is no Scottish National party representative at this Committee. An hon. Member was named to attend, but they are not here. That speaks volumes about the party's commitment to the measure and this extension of devolution powers.

To conclude, the draft order is an example of Scotland's two Governments—the Scottish Government and this United Kingdom Government—working together for the betterment of Scotland. The order also demonstrates this Government's commitment to strengthening the devolution settlement and delivering for the people of Scotland; I therefore commend it to the House.

Question put and agreed to.

4.40 pm

Committee rose.

