



SCOTTISH EXECUTIVE

Enterprise, Transport & Lifelong Learning Department
Transport Division 1

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<http://www.scotland.gov.uk>

Your ref:
Our ref: section 54 consult

21 November 2003

Dear Consultee

ROAD USER CHARGING

CONSULTATION ON EXEMPTION REGULATIONS UNDER SECTION 54 OF THE TRANSPORT (SCOTLAND) ACT 2001

I am writing to seek your comments on draft regulations to be made under section 54 of the Transport (Scotland) Act 2001. These draft regulations specify a national minimum exemption from road user charging schemes, and allow local authorities to set exemptions over and above that. A copy of the draft regulations is attached.

Background

Section 49 of the Transport (Scotland) Act 2001 provides powers to local traffic authorities to introduce road user charging schemes in Scotland, where this can assist to achieve the objectives in that authority's local transport strategy. The Act also provides that a charging scheme may be made by two or more such authorities acting jointly. In addition, these powers apply to certain joint bridge boards.

In addition, the Scottish Ministers have set down the following policy criteria for charging schemes:

- that the scheme will reduce congestion and/or noise and emissions;
- that the net revenues from charging will be additional;
- that there is fair treatment of those who pay the charge (and/or suffer the congestion or environmental problem) and those who benefit from the scheme;
- that a range of public transport improvements are in place before charging is introduced, with further improvements to follow.

The Act requires that a charging scheme shall be contained in an order made by the charging authority. A charging scheme shall not come into force unless the order making it has been submitted to and confirmed by Scottish Ministers.

We would be very grateful if you would consider and respond to the questions in annex A to this letter. Your responses should be made preferably by e-mail to transport@scotland.gsi.gov.uk, otherwise in writing to the address below. The closing date for the consultation is 13 February 2004.

Road User Charging Regulations (s54)
Scottish Executive
Enterprise, Transport and Lifelong Learning Department
Transport Division 1
Area 2-D North
Victoria Quay
Edinburgh
EH6 6QQ

Please call 0131 244 4010 for any queries regarding the consultation exercise.

We would be grateful if you could clearly indicate in your response which question you are responding to as this will aid our analysis of the responses received. If you wish to access this consultation online, go to <http://www.scotland.gov.uk/view/views.asp>. You can telephone Freephone **0800 77 1234** to find out where your nearest public internet access point is.

I would be grateful if you could also fill out the attached responsee information form and send it in with your response.

We will acknowledge all responses received as soon as possible and copies of all responses will be made available in the Scottish Executive library by 12 March 2004. Responses will also be made available on the Scottish Executive website by 19 March 2004. Feedback on the responses will be provided within 12 weeks of the close of the consultation. The final regulations will be made in due course.

Copies of this consultation can be provided in alternative formats and community languages on request.

Yours sincerely

KIRSTY LEWIN

ANNEX A

Question 1

Do you think that there should be any groups of people; classes of vehicles; or types of activity that we *should* include in our national minimum exemptions from road user charging schemes?

- What should they be?
- Why should they be exempted?
- What might the impact of their exemption from road user charging schemes be on traffic levels/congestion and/or noise and emissions?

Question 2

Do you think that there should be any groups of people; classes of vehicles; or types of activity that *should not* be exempted from road user charging schemes?

- What should they be?
- Why should they not be exempted?
- What might the impact of their non-exemption from road user charging schemes be on traffic levels/congestion and/or noise and emissions?

ANNEX B

List of Consultees

In addition to making this consultation document publicly available via the Executive website, we are circulating it to the following:

- Business sector
- Clerk of the Local Government and Transport Committee at the Scottish Parliament
- COSLA
- The Disability Rights Commission
- The Equal Opportunities Commission
- The Commission for Racial Equality
- Local authority Chief Executives and roads professionals
- Other Government departments
- Relevant professional bodies
- Trade Unions
- Transport academics in colleges/universities
- Transport lobby groups
- Transport sector
- Utility companies
- Voluntary sector/community groups or umbrella groups

However, if you think anyone else or any other organisation should receive a copy, please let us know.

SCOTTISH STATUTORY INSTRUMENTS

2003 No.

TRANSPORT

The Road User Charging (Exemption from Charges) Regulations 2004

Made 2004

Laid before the Scottish Parliament 2004

Coming into force 2004

The Scottish Ministers, in exercise of the powers conferred by sections 54(1) and 81(2) of the Transport (Scotland) Act 2001⁽¹⁾ and of all other powers enabling them in that behalf, hereby make the following Regulations.

Citation and commencement

1. This Order may be cited as the Road User Charging (Exemption from Charges) Regulations 2004 and shall come into force on 2004.

Interpretation

2. In these Regulations-

“ambulance” has the same meaning as in paragraph 6(3) of Schedule 2 to the Vehicle Excise and Registration Act 1994⁽²⁾;

“fire authority” has the same meaning as in the Fire Services Act 1947⁽³⁾;

“Her Majesty’s Coastguard primary role” is the role as announced by the Parliamentary Under Secretary of State for Transport on 9th March 1992 ⁽⁴⁾.

⁽¹⁾ 2001 asp 2.

⁽²⁾ 1994 c.22.

⁽³⁾ 1947 c.41.

⁽⁴⁾ Hansard 9th March 1992 column

Vehicles Exempt from payment of charges

3. Any charging scheme made by a charging authority or charging authorities (acting jointly) shall-

(a) contain provision exempting from the charge any vehicle of the description specified in the Schedule to these Regulations; and

(b) provide for such further exemptions from charges or for the application of reduced rates as the charging authority consider appropriate.

St Andrew's House,
Edinburgh

2004

A member of the Scottish Executive

SCHEDULE

DESCRIPTIONS OF VEHICLES EXEMPTED FROM PAYMENT OF CHARGES

1. Any vehicle being used in the discharge of the functions of a fire authority.
2. Any vehicle belonging to, and being used for the purposes of, a police force for any police area, and any other vehicle being used by a police officer acting in the execution of his duty.
3. Any ambulance or other means of transport provided under section 45 of the National Health Service (Scotland) Act 1978⁽⁵⁾.
4. Any vehicle belonging to Her Majesty's Coastguard and being used as an emergency vehicle in the exercise of Her Majesty's Coastguard primary role.
5. Any vehicle displaying a badge issued by a local authority in exercise of its powers under section 21 of the Chronically Sick and Disabled Persons Act 1970⁽⁶⁾ and conveying, either as driver or passenger, the disabled person in respect of whom such badge was issued.

⁽⁵⁾ 1978 c.29.

⁽⁶⁾ 1970 c.44; section 21 was amended by the Local Government Act 1972 (c.70), Schedule 30, by the Local Government (Scotland) Act 1973 (c.65), Schedule 14, paragraph 81, by the Transport Act 1982 (c.49), section 68, by the Road Traffic Regulation Act 1984 (c.27), Schedule 13, paragraph 11, by the Local Government Act 1985 (c.51), Schedule 5, paragraph 1 and by the Transport (Scotland) Act 2001 (asp 2).

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations set out those vehicles that are to be exempt from any charges imposed by virtue of a charging scheme made under section 49 of the Transport (Scotland) Act 2001.

EXECUTIVE NOTE

The Road User Charging (Exemption from Charges) (Scotland) Regulations 2004 (S.S.I. 2004/*****)

The above instrument was made in exercise of the powers conferred by section 54(1) and 81(2) of the Transport (Scotland) Act 2001. The instrument is subject to negative resolution procedure.

Policy Objectives

The Scottish Executive report “Scotland’s Transport – Delivering Improvements” was published in March 2002 and set out the Executive’s transport vision for Scotland. The challenge is to deliver transport improvements consistent with the Executive’s overarching vision (“Working together to build a sustainable, effective integrated transport system”) and appropriate to the needs in different parts of Scotland, and to deliver a transport system fit for the 21st century. This means focusing on congestion in and around major metropolitan areas, delivering greater integration and the completion of vital missing links in the transport network.

Road traffic is predicted to grow by 27% over the next two decades and the Executive will strive to stabilise this at 2001 levels by 2021, through investing in an integrated package of measures – modernising and improving public transport, promoting alternative modes of transport to the private car, and targeted motorway and trunk road improvements.

This set of regulations sets the national minimum level of exemption from the charge that Scottish Ministers will require a charging scheme to have. It will also enable the charging authority to provide exemptions over and above those set by Ministers.

The legislation for charging schemes is enabling legislation. This gives a local authority the opportunity, if sensible and appropriate, to introduce a charging scheme on roads for which it has responsibility.

Financial Effects

The instrument has no financial effects on the Scottish Executive or Local Government.

Regulatory Impact Assessment

There has been no Regulatory Impact Assessment (RIA) undertaken in respect of the regulations. The making of the regulations in themselves will have no impact upon Scottish businesses. The regulations merely set out the framework within which a local authority that wishes to implement a charging scheme must operate. It is up to individual local authorities whether or not they wish to implement such a scheme.

Access to consultation responses

We will make all responses available to the public in the Scottish Executive Library by 12 March 2004 and on the Scottish Executive consultation web pages by 19 March 2004, unless confidentiality is requested. All responses not marked confidential will be checked for any potentially defamatory material before being logged in the library or placed on the website.

RESPONDEE INFORMATION FORM

Please complete the details below and attach it with your response. This will help ensure we handle your response appropriately:

Name:

Address:

Title of consultation:

Consultation on Exemption Regulations under Section 54 of the Transport (Scotland) Act 2001

1. Are you responding as:

an individual

on behalf of a group or organisation

2. Do you agree to your response being made public (in SE library and/or on SE website)?

Yes

No

Where confidentiality is not requested, we will publish your full response including your name (and address, where provided).

If you do not wish for these personal details to be published, please tick this box:

Are you content for the Scottish Executive Transport Group to contact you again in the future for consultation or research purposes?

Yes

No

The Scottish Executive Consultation Process

Consultation is an essential and important aspect of Scottish Executive working methods. Given the wide ranging areas of work of the Scottish Executive, there are many varied types of consultation. However, in general Scottish Executive consultation exercises aim to provide opportunities for all those who wish to express their opinions on a proposed area of work to do so in ways which will inform and enhance that work.

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body. Consultation exercises may involve seeking views in a number of different ways, such as public meetings, focus groups or questionnaire exercises.

Typically, Scottish Executive consultations involve a written paper inviting answers to specific questions or more general views about the material presented. Written papers are distributed to organisations and individuals with an interest in the area of consultation, and they are also placed on the Scottish Executive web site enabling a wider audience to access the paper and submit their responses. Copies of all the responses received to consultation exercises (except those where the individual or organisation requested confidentiality) are placed in the Scottish Executive library at Saughton House, Edinburgh (K Spur, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD, telephone 0131 244 4552).

The views and suggestions detailed in consultation responses are analysed and used as part of the decision making process. Depending on the nature of the consultation exercise the responses received may:

- Indicate the need for policy development or review
- Inform the development of a particular policy
- Help decisions to be made between alternative policy proposals
- Be used to finalise legislation before it is implemented

If you have any comment about how this consultation exercise has been conducted, please send them to:

Name: Kirsty Lewin

Address: Scottish Executive
Enterprise, Transport and Lifelong Learning Department
Transport Division 1
Area 2-D North
Victoria Quay
Edinburgh
EH6 6QQ

E-mail: Kirsty.Lewin@scotland.gsi.gov.uk