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Dr Bob McLellan - Ext 3471

Your Ref:

Our Ref: JF/TS/TP/5

14 April 2006

Dear Sir,

**Consultation: Transport Legislation – Review of Special Parliamentary
Procedure Provisions**

I refer to the above consultation document which was issued on the 6 March 2006 requesting comments by the 14 April 2006.

A report was approved at the Fife Council's Environment and Development Committee on 6 April 2006, which was prepared in consultation with the Chair of the Environment & Development Committee, the Transportation & Environmental Services Spokesperson, and the Opposition Spokesperson.

A formal response to the Consultation Proposals for a new approach to Delivering Public Transport Infrastructure Developments which is also part of the Fife Council's report of the 6 April 2006 will be submitted to the Scottish Executive on or before the 19 May 2006.

Yours faithfully

Bob McLellan

Dr Bob McLellan
Head of Transportation Services

Copied to:

Councillor Anthony Martin 26 Inchcolm Drive, NORTH QUEENSFERRY, Fife, KY11 1LD
Councillor Jim Philp 67 Spittalfield Crescent, INVERKEITHING, Fife, KY11 1DT
Councillor Mike Rumney 24 Whitelaw Crescent, DUNFERMLINE, Fife, KY11 4RP

FIFE COUNCIL

Environment & Development Committee

6 April 2006

Agenda Item No 6

SCOTLAND'S TRANSPORT: CONSULTATION PROPOSALS FOR A NEW APPROACH TO DELIVERING PUBLIC TRANSPORT INFRASTRUCTURE DEVELOPMENTS/SPECIAL PARLIAMENTARY PROCEDURE PROVISIONS

1.0 PURPOSE OF REPORT

- 1.1 To inform Committee of the Scottish Executive's consultation documents on "Proposals for a New Approach to Delivering Public Transport Infrastructure Developments", and "Review of special parliamentary provisions," and to request delegated powers to the Head of Transportation Services in consultation with Senior Members.

2.0 BACKGROUND

- 2.1 On 24 February 2006 the Scottish Executive issued a consultation document entitled "Proposals for a New Approach to Delivering Public Transport Infrastructure Developments". Copies of the document are available in the Member's Lounge.
- 2.2 Written comments are invited by 19 May 2006. In view of the Committee dates and the time available to prepare a final response, a draft has been prepared and is attached as Appendix A.
- 2.3 It should be noted that two other reviews are currently taking place within the wider rail industry:-
- a) the Scottish Planning Assessment (Rail) will recommend a medium to long term investment strategy, and
 - b) the Route Utilisation Strategy will advise on how to improve the existing network in the short term.
- The outcome/direction of these two reviews may influence the Council's final response to the Executive if the timescales permit.
- 2.4 The consultation document suggests the ways of simplifying and shortening the lengthy planning and promotion process of public transport schemes, in particular rail schemes.
- 2.5 It is proposed that Fife's response should broadly support a simplification and shortening of this process. Comments are welcomed from Members to be considered for inclusion in proposed response.

3.0 **REVIEW OF SPECIAL PARLIAMENTARY PROCEDURE RELATING TO TRANSPORT LEGISLATION**

- 3.1 On 6th March, 2006, the Executive also issued a consultation document (copies available in the Members' Lounge) on a review of special parliamentary procedure relating to some transportation legislation, and specifically the current requirement that in certain circumstances a private bill needs to be promoted to implement changes under the Roads (Scotland) Act 1984, the Harbours Act 1964, and the Pilotage Act 1987.
- 3.2 The Executive basically proposes that the Scottish Ministers, after due inquiry, are permitted to determine matters which previously would have required special parliamentary procedure by way of private bill.
- 3.3 The proposed changes seem uncontroversial and technical in nature, and a tight deadline of 14th April has been set for a response.

4.0 **RECOMMENDATIONS**

- 4.1 It is recommended that the Committee: -
- (i) agree to give delegated powers to the Head of Transportation Services to respond by the 19 May 2006 to the Scottish Executive on the consultation document on "Proposals for a New Approach to Delivering Public Transport Infrastructure Developments", and by 14th April in respect of "Review of special parliamentary provisions," in consultation with the Chair of the Environment & Development Committee, the Transportation & Environmental Services Spokesperson, and the Opposition Spokesperson.

Dr Bob McLellan
HEAD OF TRANSPORTATION SERVICES

Contact: Jane Findlay
Lead Officer Transportation Partnerships

Transportation Services
Fife House
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Glenrothes

Transport Legislation – Fife Council Response

Harbours Act 1964

1. **What concerns, if any, do you have about replacing the special parliamentary procedure with a determination by the Scottish Ministers?**

None - as long as the Scottish Ministers are bound to have proper regard to the findings of any Inquiry Reporter and to follow them in the absence of any other material consideration.

2. **Are there any consequential implications arising from the proposed changes?**

None, other than as above.

Roads (Scotland Act) 1984

3. **What concerns, if any, do you have about replacing the special parliamentary procedure with a determination by the Scottish Ministers?**

None - as long as the Scottish Ministers are bound to have proper regard to the findings of any Inquiry Reporter and to follow them in the absence of any other material consideration.

4. **Are there any consequential implications arising from the proposed changes?**

None, other than as above.

Pilotage Act 1987

5. **What concerns, if any do you have about replacing the special parliamentary procedure with a determination by the Scottish Ministers?**

None - as long as the Scottish Ministers are bound to have proper regard to the findings of any Inquiry Reporter and to follow them in the absence of any other material consideration.

6. **What concerns arise from defining the manner of the notification and the time period for raising objections?**

No concerns other than ensuring that the manner of notification and the time period for raising objections is sufficient to ensure that proper objections can be made timeously.

7. **Are there any consequential implications arising from the proposed changes?**

None other than as above.

General

- 8. Are there other instances of special parliamentary procedures within transport related legislation which we should consider for possible replacement by a revised process?**

No.

- 9. What other matters, if any, should we address as part of our considerations?**

None.