

**South East of Scotland Transport Partnership**

South East of Scotland Transport Partnership (SEStran)

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In respect of the first question, (Does the statement of policy comply with the requirements of section 26 of the Railways act 1993?) SEStran agrees that the statement of policy would appear to comply with the requirements of section 26 of the Railways act 1993.

However, the policy statement ought perhaps also to mention other legal requirements related to tendering, and in particular the requirements brought in by the various European Directives. An acknowledgement of the extent to which the Minister consider themselves bound to tender in certain circumstances by the European requirements might have been useful.

At the end of the day, it is of course a matter for the Government to verify for itself whether its proposed actions are legal and competent.

In respect of the second question, (Does the statement of policy make clear Scottish Ministers' policy in relation to the matters which it is required to cover?) SEStran agrees that the Minister's policy is made reasonably clear.

However, Section 15 of the document (No adequate tender for franchise received) only repeats the relevant section of the Act (Section 26ZA) rather than stating what the Minister would do should the situation arise.

Furthermore, the various references to "short term" in relation to franchise replacement and/or extension, need to be more clearly defined. Whilst recognising

## Franchise Policy Statement - Consultation Responses

that circumstances may vary, and that “short term” needs to be viewed against the overall term of the franchise, it is suggested that a maximum of 1 or 2 years should normally apply.