



**TRANSPORT  
SCOTLAND**  
CÒMHDHAIL ALBA

# **Transport (Scotland) Act 2019: Bus Powers**

**Overview of the powers  
available to local transport  
authorities**

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## Glossary

- The 1985 Act Transport Act 1985
- The 2001 Act Transport (Scotland) Act 2001
- The 2019 Act Transport (Scotland) Act 2019
- BSIPs Bus Services Improvement Partnerships
- CMA Competition and Markets Authority
- CT Community Transport
- LAs Local Authorities
- LTAs Local Transport Authorities
- NSTAB National Smart Ticketing Advisory Board
- NTS National Transport Strategy
- QCs Quality Contracts
- QPs Quality Partnerships
- SPT Strathclyde Partnership for Transport
- VPs Voluntary Partnerships

## Introduction

Bus services are an economic and social cornerstone for Scotland with the sector accounting for [87% of all public transport journeys in 2021-22](#), and are particularly relied on by disabled people, women, and those on low incomes. Bus services provide a vital social service, functioning as an essential link between communities.

While continuing to emerge from the issues caused by the global pandemic and Brexit, the role of bus services is set to become even more important as we face the urgent realities of the climate emergency. Bus will be key to delivering Scotland's National Transport Strategy (NTS) vision for the country's transport system for the next 20 years. At the same time, however, bus patronage in Scotland (and the UK) has been declining since the 1960s with the trend continuing through and beyond the privatisation of the sector following deregulation in 1985.

Set against this backdrop, the [Transport \(Scotland\) Act 2019 \("the 2019 Act"\)](#) represented an important milestone for Scotland's bus regulatory landscape with a suite of new options designed to give local transport authorities (LTAs) the tools and flexibility they need to improve the operation of local bus services in their areas. The 2019 Act provides LTAs with a viable and flexible set of options to help ensure that bus services in their area meet local users' needs, ensuring that there are sustainable bus networks across Scotland.

The purpose of this document is to provide an overview of the duties that an LTA has to support bus services in the context of the powers within the 2019 Act, and the opportunities they offer along with other powers an LTA has at their disposal. This guidance gives an overview of:

- The power to subsidise services
- Bus Services Improvement Partnerships, which replaces the Quality Partnership (QP) powers
- Local services franchising, which replaces the Quality Contract (QC) powers
- The smart and integrated ticketing powers built on the 2001 Act powers, including powers on Open Data, and
- The new powers for local transport authorities to run their own services.

Separate, more detailed, guidance has been produced to support LTAs who decide to proceed with [running their own services](#), with further guidance to support LTAs in using the BSIP process or implementing a franchising framework to be published in 2024.

All these guidance documents have, or will be, produced following consultation with the bus industry, passenger representatives, local transport authorities and other key stakeholders.

We will monitor the use of the guidance and how individual authorities develop and implement the bus powers to ensure that it remains fit for purpose.

## Duties and powers of local transport authorities to support bus services

### Transport Act 1985

#### Subsidising Services

Section 63 of the Transport Act 1985 (“the 1985 Act”) places a duty on councils to secure the provision of public transport services they consider appropriate in order to meet any public transport needs that cannot be provided on a commercial basis (e.g., evening and weekend buses that serve hospitals or major employment sites). Under section 63, councils can enter into agreements to provide subsidies to operators in order to secure a service. Such services are tendered and let to commercial operators in return for payment from the council. Similarly, section 9A(4) of the Transport Act 1968 enables Strathclyde Passenger Transport (SPT) to enter into agreements to provide subsidised services within the SPT area.

### Transport (Scotland) Act 2001

#### Information about bus services

Sections 33 and 34 of the Transport (Scotland) Act 2001 (“the 2001 Act”) place responsibilities on LTAs to ensure local bus information is made available to the public. Local bus information is defined in section 33 and includes information about routes and timetabling of local services, fares for journeys on such services, and such other information about facilities for disabled persons, travel concessions, connections with other public transport, or other matters of value to the public as the LTA considers appropriate in relation to their area.

Section 33 of the 2001 Act requires LTAs to seek to arrange for operators of local services to make the information available, and section 34 requires LTAs to make the information available where they are unable to make satisfactory arrangements with operators under section 33. Bus operators must furnish information to the authority or a third party in such circumstances, to enable the LTA to meet its

obligations. In cases where the LTA has had to make the service information available, they may be able to recover reasonable costs from the operators concerned.

## Other bus options within the 2001 Act

The 2001 Act provided opportunities for LTAs to be more involved in the improvement of local bus networks. The Act did this by giving LTAs wide ranging powers enabling them to collaborate with operators through Quality Partnerships (QPs) and Quality Contracts (QCs), although both of these models have now been replaced. The Transport (Scotland) Act 2019 (“the 2019 Act”) replaced QPs with Bus Services Improvement Partnerships (“BSIPs”) and replaced QCs with Local Services Franchises. Although, LTAs can still collaborate with operators via a voluntary partnership without having to agree any legal process.

## LTA information gathering powers

Section 43 of the 2001 Act also provides LTAs with the power to obtain service information from bus operators. An authority can require information from operators in connection with the formulation of their “relevant general policies” (see chapter 6). An LTA can require information about the following matters:

- The total number of journeys undertaken by passengers on the local services operated by the operator in the authority’s area or any part of such area.
- The structure of fares for those journeys, and
- The total distance covered by vehicles used by the operator in operating those local services.

## Ticketing arrangements and ticketing schemes

Sections 28 to 32 of the 2001 Act contain provisions on ticketing arrangements and ticketing schemes in relation to local bus services (and “ticketing arrangements” as defined in section 28(5) of the 2001 Act). LTAs are required to keep under consideration what ticketing arrangements should be made available in their area. LTAs also have powers to make arrangements with operators to make the required ticketing arrangements available or, if necessary, LTAs may make ticketing schemes under which operators must make and implement ticketing arrangements.

# Bus powers introduced by the Transport (Scotland) Act 2019

## Local transport authority run bus services

The Transport Act 1985 made substantial changes to the model for bus service delivery across the UK by deregulating bus service provision and not allowing LTAs to provide bus services directly, except in certain specified circumstances. However, section 34 of the 2019 Act inserts a new section 2A into the 2001 Act, which came into force on 24 June 2022. This new section enables LTAs to provide services for the carriage of passengers by road using vehicles that require a Public Service Vehicle (PSV) operator's licence to do so.

To do this, the LTA must be satisfied that the provision of such services will contribute to the implementation of their relevant general policies (as defined in the 2001 Act). Section 2A is not restrictive in the way LTAs can run their own buses, enabling them to use the power as they see fit within the wider context of their obligations. For example, the LTA may choose to provide services directly, meaning they are the owner of any associated assets (e.g., vehicles), or through an arm's length external organisation. Under the latter scenario, the LTA can provide bus services through an independent commercial organisation with its own management board where the LTA is the main shareholder but is not involved in the day-to-day running of the buses. This would be broadly similar to the model under which Lothian Buses currently operates.

The 2019 Act does not provide LTAs with protection against competition when running their own service or if a competitor runs against them. Any proposed commercial LTA run service would need to make an entry into the market just as any commercial operator would do. Any LTA run service operating for commercial purposes would need to make a market entry compliant with [competition law](#) and [associated guidance](#).

## Bus Services Improvement Partnerships (BSIPs)

For bus services, whilst this can be done on a voluntary basis, such an approach may have limitations, such as a lack of enforcement in agreed service standards. While the 2001 Act introduced a form of statutory partnership, in the form of Quality Partnerships (QPs), there was limited uptake due to the restrictions of the model.

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Section 35 of the 2019 Act addresses this by replacing QPs in the 2001 Act with a provision for a new type of statutory partnership in the form of a Bus Services Improvement Partnership (BSIP). The BSIP model within the 2019 Act is similar to the Enhanced Partnership model introduced by the [Bus Services Act 2017](#). This model is different from the QP model in three ways: –

- **Firstly**, it places a duty on the local transport authorities to invest in some way (whether through certain facilities or taking certain measures to assist operators, such as implementing policies on parking, for example).
- **Secondly**, the range of standards in a BSIP is beyond that allowed in the QP, including being able to agree frequencies on certain routes and/or setting maximum fare levels.
- **Thirdly**, and most fundamentally, the BSIP model is designed to be a collaborative partnership that provides a framework for long-term commitment to service improvements.

The BSIP model also provides for operators to be involved in the preparation of the partnership plans and schemes. Bus operators can have a say on whether the plans or schemes (see below), including proposed service standards for the qualifying operators of the BSIP area, are to proceed.

## BSIP Plans

A BSIP plan may cover all or part of the local transport authority area(s). It must also:

- Specify the area covered and the period to which it relates
- Provide an analysis of local services
- Specify policies relating to local services
- Set out objectives on quality and effectiveness of local services
- Set out how the scheme will meet these objectives
- Describe the intended effect of any partnership scheme on adjacent areas
- Specify how the views of users are to be obtained on the effectiveness of the plan and partnership scheme; and
- Specify how to review the partnership plan.

## BSIP Schemes

At the same time as making a BSIP plan, an LTA must also make one or more BSIP schemes relating to the whole or part of the area to which the plan relates. A scheme will:

- Specify the area covered and period of time to which the scheme relates
- Impose one or more service standards for services having one or more stopping places in the area, (and these service standards may be route service standards that cover frequency and timings of local services, or operational service standards which relate to any other matter such as the vehicles to be used to provide services or ticketing); and
- Specify one or more facilities to be provided by the LTA (such as infrastructure improvements) or measures to be taken by the LTA (such as improving parking enforcement or other action to incentivise bus use).

Detailed guidance on BSIP plans and schemes, including their development, operation, variation, and revocation will be published this year.

## Voluntary Partnerships

As highlighted on page 8, local transport authorities can still decide to put in place an informal partnership, commonly known as a voluntary partnership, where they can attain the benefits of a partnership approach without having to agree any legal process. There are several voluntary partnerships across Scotland, some of which are developing ambitious schemes that target patronage growth, punctuality, and journey times, whilst also working towards a BSIP, such as the [North East Bus Alliance](#) and the [Glasgow City Region Bus Partnership](#).

## Local Services Franchises

Franchising is a system that allows an LTA to award exclusive rights to run certain bus services to the most competitive bidder for a set period. During this period, no other operator can run those services. Franchising via the statutory Quality Contract model has been available in Scotland under the 2001 Act, however, these powers were never used.

Section 38 of the 2019 Act replaces the statutory Quality Contract model in the 2001 Act with a new franchising model. This new model is designed to enable an LTA to streamline services and develop better integration and control over fares. It also increases the range of situations in which an LTA can consider using the franchising option. The system is designed to ensure that appropriate checks and balances are in place to assess whether an LTA's franchise proposals are robust and deliverable. This structured approach will ensure that decision making is more transparent via a process of rigorous assessment and evidence-based analysis.

Detailed guidance on local services franchising, including the development, operation, variation, and revocation of a franchise will be published later this year.

There are several different franchise models that have been adopted in the UK and across Europe. The most widely used model is like that in London, in which all the services are franchised to a number of different operators. The franchising model provided by the 2019 Act involves the LTA putting in place an overarching franchising framework beneath which it can enter into separate franchise agreements with bus operators, similar to the approach taken by [Transport for Greater Manchester's](#) recently commenced bus franchise.

## Information Powers within the 2001 Act (introduced by the 2019 Act)

### Access to relevant information for a BSIP or franchising framework

Sections 3K and 13R of the 2001 Act (inserted by the 2019 Act) provide LTAs with powers to gather relevant information from operators in connection with the preparation and reviewing of a BSIP plan or scheme and /or a franchising framework. However, it should be noted that information required under these provisions may only be used for the specific purpose for which it was gathered, and may only be disclosed to the persons listed in sections 3K(6) and 13R(6) (i.e. an LTA or persons providing services to an LTA in connection with the function being exercised).

On 7 December, the Scottish Government laid "[The Bus Services Improvement Partnerships and Local Services Franchises \(Provision of Information\) \(Scotland\) Regulations 2023](#)", which set out the categories of relevant information that can be requested by an authority in connection with their BSIP and franchising functions, respectively. Seeking information (such as passenger data, revenue, or information on vehicles) from operators is one of the first steps an LTA will need to undertake if they wish to consider either a BSIP or franchise. The regulations are intended to come into force on 1 April 2024.

It is recommended that an LTA engages proactively with local operators before and throughout the information request process to understand the ways in which operators hold the relevant information and how long it may take them to collate and provide it.

The LTA may also wish to supplement the information gathered from operators with other information to ensure they have robust evidence on which to make decisions

regarding the most suitable approach to improve service delivery. This could include information gathered from passenger surveys or information about local travel patterns, as well as other research and evidence about the benefits or impacts of changes to bus services.

## Information-sharing process where operators intend to vary or cancel a service

Section 39 of the 2019 Act introduced a new [information-sharing process via sections 6ZA and 6ZB of the 1985 Act](#), which specifically relates to the [local bus service registration process](#). The new process applies where an operator proposes to vary or cancel the registration of a local bus service. When the operator notifies an affected authority of their proposed variation or cancellation, the affected authority can require the operator to provide them with certain information (e.g., number of journeys, fare types, etc.). This information can then be used by the affected authority to determine whether and to what extent, they can provide support for replacement services.

Full details of the information that an authority may be able to request is set out in "[The Public Service Vehicles \(Registration of Local Services\) \(Provision of Service Information\) \(Scotland\) Regulations 2022](#)". In limited circumstances, the affected authority may also be able to share the information with other affected authorities, and with people who may wish to bid to provide a service to supplement or replace the one being varied or withdrawn.

## Smart and Integrated Ticketing

The 2019 Act includes a number of provisions to enhance LTA provision of smart and integrated ticketing. These include extending LTA ticketing arrangements and ticketing schemes to include connecting rail and ferry services, in addition to local bus services. Rail and ferry services can only be included in ticketing arrangements and ticketing schemes if the operator on the rail or ferry service in question consents. This is different to bus operators in ticketing schemes, whereby they are required to implement the ticketing arrangements.

Section 42 of the 2019 Act allows the Scottish Ministers to set a national technological standard for the implementation and operation of smart ticketing arrangements. The standard is particularly relevant to ticketing schemes made under section 29 of the 2001 Act. Once a national technological standard is set, future ticketing schemes must require any arrangements made under the schemes to comply with the standard.

The Scottish Ministers must consult the [National Smart Ticketing Advisory Board \(“NSTAB”\)](#) before specifying any national technological standard. NSTAB commenced operation in November 2023 and is a pioneering board comprising different modes, transport authorities, users, and experts to advise Scottish Ministers on the future of smart ticketing.

Section 44 of the 2019 Act also makes changes to what a ticketing scheme can include and the process for making one. In developing a ticketing scheme, LTAs must:

- Ensure the scheme uses smart ticketing arrangements that comply with the national technological standard for smart ticketing (when specified)
- Co-operate with one another and consider making ticketing schemes that will facilitate travel, or the adoption of similar ticketing arrangements in adjoining areas; and
- Be aware of the changes to the consultation requirements when establishing a scheme.

The 2019 Act also places a duty on LTAs to produce annual reports on ticketing arrangements and schemes. These reports should include information on the use of the Act powers relating to ticketing arrangements and schemes, whether ticketing schemes comply with the national technological standard, and whether the LTA has made, varied, or revoked any ticketing schemes during the year.

## Passenger information and bus open data

Section 40 of the 2019 Act confers a power on the Scottish Ministers to introduce regulations that require bus operators, LTAs and the Scottish Traffic Commissioner to provide information about local bus services to improve the availability and standard of passenger journey planning information (including provision for the information to be made available free of charge and without restrictions on its use and disclosure). This includes information about routes, timetables, stopping places, fares, and tickets, in addition to information about the operation of services, including real time information about services.

Transport Scotland will consult on section 40 of the 2019 Act in due course to inform the development of the policy and regulations requiring information about bus services. Acknowledging the technology advancements in recent years and operators' positive participation already through services such as Traveline Scotland, we will seek to enhance the range, amount, and quality of voluntary data being provided by operators, so passengers benefit from enhanced data as soon as possible.

It is our intention that this will complement the bus open data policy in England, so cross-border operators are not unfairly impacted.

## Alternative transport approaches

As highlighted earlier in this document, the LTA has a number of powers that they can use to help improve their local bus networks. However, they can also explore alternative approaches, such as [community transport \(“CT”\)](#). CT provides a critical role in meeting the transport needs of a wide range of groups where conventional transport fails to do so. This may be because there is not a commercial case (even where subsidised) for running a traditional transport service or where the needs of users are such that they cannot easily access conventional transport services.

Organisations providing CT are varied in both scale and scope. For some, the provision of CT is their only activity, whilst for others, CT is just one part of a much wider remit. In terms of scale, CT providers range from small to large and from those that rely entirely on volunteers to those with large numbers of staff. Relevant categories of CT include:

- Group travel services and door-to-door dial-a-ride services for individuals – CT organisations which provide minibuses to local groups and/or use them to provide transport for their members/people they are aiming to help.
- Contracted 'assisted travel' services - including home-to-school, non-emergency patient and/or social services day care transport which is operated on a not-for-profit basis.

Since 2008, the Scottish Government has provided local authorities with resources for CT services as part of the local government finance arrangements. This funding allows LTAs the flexibility to allocate resources as they see fit considering local needs and circumstances.

## Early engagement with stakeholders when seeking to improve services

Prior to any LTA undertaking any formal consultations required under the legislation, it is expected that the LTA will discuss its intentions with its key stakeholders, including operators and neighbouring authorities, to obtain their views on their proposals.

While this is short of a formal consultation, it provides an opportunity for key stakeholders to engage at an early stage of the process. It also allows LTAs to assess the viability of the proposed options and their potential impact on authorities who may be considering alternative options, such as a BSIP, franchising framework or running their own services.

## Identifying objectives and approaches for improving bus services

### Relevant General Policies

Section 48 of the 2001 Act defines “relevant general policies” as the LTA’s local transport strategy (or regional strategy in the case of SPT) alongside policies formulated by them from time to time under section 63(2)(b) of the 1985 Act (or section 9A(1) of the Transport Act 1968 in the case of SPT).

Policies under the 1985 and the 1968 Acts are for securing the provision of such public passenger transport services as the council considers appropriate to meet any public transport requirements within their area, as well as defining the descriptions of services they propose to secure under this provision.

Relevant general policies are further considered to be any policies formulated by the LTA in accordance with a local transport strategy (or regional strategy in the case of SPT) including any provision set out for partnership working (previously under QPs and, upon implementation, Bus Services Improvement Partnerships) or QCs (to be replaced by local services franchises).

Robust local transport strategies can better support LTAs in understanding how to grow their bus networks and consider how these can best be integrated with other modes of transport. The review of an LTA’s relevant general policies will also feed into the development of any plans and schemes for a BSIP or inform the development of a franchising framework and franchising assessment.

Before an LTA can decide what actions to take, it is recommended that they consider their relevant general policies and the role that transport, and bus services will play in relation to their aims and objectives.

Their objectives could align with, but need not be limited to, the [Scottish Government’s NTS vision](#) and associated four priorities of reducing inequalities, taking climate action, inclusive economic growth, and improving our health and wellbeing. They could also be drafted to address the challenges and opportunities identified and how changes to the provision of local bus services could help address these.



Once an LTA has considered its overall aims and objectives, it can then assess how the range of bus options available to them can help meet these to address the transport challenges and opportunities affecting the area.

## Timescales for implementing bus powers in the 2019 Act

Before all the bus powers within the 2019 Act can fully come into effect, various regulations and statutory guidance must be prepared. Below is a breakdown of the different bus provisions within the 2019 Act that have come into force, as well as proposing timescales for future regulations and guidance associated with those provisions.

### Powers

#### Local authority run services

As of June 2022, local transport authorities have the power to run bus services provided they have a Public Service Vehicle (PSV) Operator Licence, and they are satisfied that the provision of such services will contribute to the implementation of their relevant general policies. An information note, published by Transport Scotland in June 2022, summarises an authority's obligations in utilising this provision in the 2019 Act.

#### Information-sharing process where operators intend to vary or cancel services

Since April 2023 an affected authority (defined in section 6ZA(6) of the [Transport Act 1985](#)) has been able to obtain specific service information from an operator who proposes to vary or cancel the registration of a local bus service and, in limited circumstances, share it with other people who may wish to bid to provide a similar service to the one being varied or cancelled.

#### Bus Services Improvement Partnerships (BSIPs)

[Since 4 December 2023](#) the BSIP powers have been available to LTAs. BSIP provisions replace the Quality Partnerships powers found in the Transport (Scotland) Act 2001.

To enable the BSIP powers to be fully effective, further substantive regulations will be required. The first of these are "The Bus Services Improvement Partnerships and

Local Services Franchises (Provision of Information) (Scotland) Regulations 2023” and “The Bus Services Improvement Partnerships (Objection) (Scotland) Regulations 2024” which were laid on 7 December 2023. These regulations provide LTAs with information gathering powers to inform the development of a BSIP and provide details of the bus operator objection mechanism. Further regulations covering multi-operator travel cards and appeals will follow throughout this year to bring the BSIP powers into full effect.

Statutory guidance will also be produced later this year to support LTAs in utilising these powers.

## Local Services Franchising

Since 4 December 2023 the Local Services Franchising powers have been available to LTAs. The franchising provisions replace the Quality Contract powers found in the Transport (Scotland) Act 2001.

To bring the franchising powers into full effect, the regulations noted above (namely [“The Bus Services Improvement Partnerships and Local Services Franchises \(Provision of Information\)\(Scotland\) Regulations 2023”](#)) were laid on 7 December 2023. To enable LTAs to progress with the franchising process, further regulations on the transition process and the formation and operation of a panel to assess franchising proposals will be laid throughout this year.

Statutory guidance will also be produced later this year to support LTAs utilising these powers.

## Smart and Integrated Ticketing

On 12 May 2023, regulations establishing the National Smart Ticketing Advisory Board (NSTAB) came into force. NSTAB commenced operation in November 2023.

Regulations will be developed in due course for ticketing arrangements and schemes which amend the powers in the 2001 Act.

## Provision of Information about bus services

Work to lay regulations under section 40 of the 2019 Act will commence in due course. These regulations will enable LTAs to require information about local bus services to be provided with a view to improve the availability and standard of information for passenger journey planning.

## Annex A – Useful Resources

### Establishing and operating a services – Relevant resources

#### Public Finance Manual

The [Scottish Public Finance Manual \(SPFM\)](#) is issued by the Scottish Ministers to provide guidance on the proper handling and reporting of public funds.

#### Subsidy Control

It is recommended that LTAs consider the current subsidy control rules early in their policy development. The UK Government [Department for Business, Energy and Industrial Strategy has issued guidance on subsidy control rules for public authorities](#).

#### Competition and Markets Authority (CMA) Guidance for bus services

In May 2023, the CMA amended its guidance on [“Bus Enhanced Partnerships: Advice for Local Transport Authorities”](#).

In 2016, the CMA also produced guidance on [public transport ticketing schemes](#) to help operators, local authorities, and scheme administrators to assess whether their multi-operator schemes fall within the scope of the block exemption. The above advice has been written to be relevant to LTAs considering measures which the CMA considers likely under the respective frameworks in England, Scotland, and Wales.



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