



BRIEFING PAPER

Number SN03156, 12 June 2017

Transport in Scotland, Wales & Northern Ireland

By Louise Butcher

Inside:

Summary

- 1. Scotland**
- 2. Wales**
- 3. Northern Ireland**



Contents

Summary	3
1. Scotland	4
1.1 Legislation	4
1.2 What is reserved to Westminster?	6
Roads	6
Railways	6
Aviation	7
Maritime	8
1.3 Where can I find information on devolved transport issues?	9
2. Wales	11
2.1 Legislation	11
2.2 What is reserved to Westminster?	12
2.3 Where can I find information on devolved transport issues?	14
3. Northern Ireland	16
3.1 Legislation	16
3.2 What is reserved to Westminster?	16
3.3 Where can I find information on devolved transport issues?	16

Contributing Authors:

Louise Butcher, Transport policy

Cover page image copyright: [DIL 1336](#) by [Switchology](#). Licensed under [CC BY 2.0](#) / image cropped.

Summary

This paper explains how transport has been devolved from Westminster to Scotland, Wales and Northern Ireland. It gives information on those areas which remain reserved to Westminster and where you can find more information about devolved policies.

The UK's devolution arrangements are now 18 years old but are still developing. New powers were devolved to Scotland and Wales in the 2015 Parliament, and a tense political situation developed in Northern Ireland. Brexit will raise new challenges for the devolution settlement as the economic and social needs of the nations may vary along with political and public opinion towards leaving the EU.

The UK Government in Westminster develops the policy and provides the bulk of the funding for local transport in England, including: buses, walking, cycling and local transport (highways and rail) more generally; in other parts of the UK this is provided by the relevant devolved administration. Westminster retains reserved powers for 'national' transport, such as aviation and maritime policy, and strategic road and rail.

Some parts of the transport system have long been separated between England and Wales on the one hand and Scotland on the other. For example, much of the [Highways Act 1980](#) which applies to England and Wales is mirrored in the separate [Roads \(Scotland\) Act 1984](#). But in more recent times, it was the decision by the Labour Government in 1997 to provide for new devolved legislatures and governments in Scotland and Wales that led to the devolution of significant transport powers. This was initially achieved in Scotland by the [Scotland Act 1998](#) and in Wales by the [Government of Wales Act 1998](#). This has led to significant amounts of transport legislation becoming the responsibility of the Scottish and Welsh Governments.

The devolution of powers relating to transport in Northern Ireland was legislated for in the [Northern Ireland Act 1998](#). Devolution followed the Belfast/Good Friday Agreement in 1998 and also led to the establishment of the North-South Ministerial Council (NSMC), a body intended to address matters of mutual interest, one of which is transport. Local authorities in Northern Ireland have no statutory responsibilities with regard to transport policy or planning. However, they are expected to have a prominent role in the production of local transport plans as these emerge following the commencement of local government reform. Responsibility for aviation and shipping matters remains reserved.

As devolved transport policies are the responsibility of the relevant administrations, assemblies and Parliaments, they are not scrutinised at Westminster.

The best sources of information on devolved policy issues are the research services in the devolved legislatures:

- [Scottish Parliament Information Centre \(SPICe\)](#);
- [Research Service of the National Assembly of Wales](#); and
- [Research and Information Service \(RaISe\) for the Northern Ireland Assembly](#).

Please note: *this paper replaces previous papers on transport in Scotland and Wales, which have been withdrawn.*

Further information on national, reserved transport policy issues can be found on the [Transport briefings page](#) of the Parliament website.

1. Scotland

1.1 Legislation

Scotland has the greatest range of devolved powers in the UK.

Some parts of the transport system have long been separated between England and Wales on the one hand and Scotland on the other. For example, much of the [Highways Act 1980](#) which applies to England and Wales is mirrored in the separate [Roads \(Scotland\) Act 1984](#).

But in more recent times, it was the decision by the Labour Government in 1997 to provide for new devolved legislatures and governments in Scotland and Wales that led to the devolution of significant transport powers. The Labour Government's 1997 White Paper stated that the Scottish Parliament and Executive would be responsible for "a range of road, rail, air, sea transport and inland waterways matters".¹ More specifically, this would include:

Passenger and road transport covering the Scottish road network, the promotion of road safety, bus policy, concessionary fares, cycling, taxis and minicabs, non-technical aspects of disability and transport, some rail grant powers, the Strathclyde Passenger Transport Executive and consultative arrangements in respect of public transport;

Appropriate **air and sea transport** powers covering ports, harbours and piers, the provision of freight shipping and ferry services, the activities of the Highlands and Islands Airports Ltd and planning and environmental issues relating to airports.²

Transport safety and regulation, including "regulation of aviation and shipping marine and air safety, rail safety and regulation (except for appropriate oversight by the Scottish Executive of Scottish passenger rail services), and some aspects of road traffic regulation"; transport security; driver and vehicle licensing and testing; road haulage; vehicle standards; general speed limits; marine, air and rail accident prevention and investigation; some other aspects of road safety and technical standards relating to the transport of disabled people would be reserved to the UK Parliament.³

In the event, Schedule 5, Part II, Head E the [Scotland Act 1998](#), as amended, prescribes those areas reserved to the UK Parliament; everything else is devolved.⁴

[Transport Scotland](#) was established as an executive agency of the then Scottish Executive in January 2005. Its role was substantially expanded when it merged with the Scottish Government's Transport Directorate on 2 August 2010.

¹ Scottish Office, *Scotland's Parliament*, July 1997, Cm 3658, p16

² *ibid.*, p4

³ *ibid.*, p11

⁴ for a summary of the transport powers relating to Scotland that were reserved to the Westminster Parliament, see: [HL Deb 17 June 1999, c50WA](#); a detailed overview of the transport areas initially devolved under the 1998 Act is given in SPICe briefing [SB 07-23](#)

5 Transport in Scotland, Wales & Northern Ireland

In June 2009 the Commission on Scottish Devolution (the Calman Commission) published its final report on what changes to the existing devolution settlement that “would enable the Scottish Parliament to serve the people of Scotland better, improve the financial accountability of the Scottish Parliament, and continue to secure the position of Scotland within the United Kingdom”.⁵ This did not have much to say on transport issues, but it did make two recommendations in the field of road traffic regulation: that regulation-making powers relating to drink-driving limits and the power to determine the level of the national speed limit in Scotland should be transferred to Scottish Ministers.⁶ These measures were contained in sections 20-22 of the [Scotland Act 2012](#).

The most recent tranche of devolution was a consequence of a commitment made by the three main unionist party leaders prior to the Scottish independence referendum in September 2014, in the event of a No vote. After the referendum, which did deliver a No, Prime Minister David Cameron set up a Commission under Lord Smith of Kelvin (the Smith Commission), to reach an agreement among all the parties in the Scottish Parliament. The Smith Commission published its final report in November 2014.⁷ In terms of transport, it recommended that a public sector operator be permitted to bid for the Scotrail franchise; giving the Scottish Government the power to set speed limits in Scotland and to make its own road signs; devolving the functions of the British Transport Police; and giving the Scottish Government a formal consultative role on the Maritime and Coastguard Agency and the Northern Lighthouse Board, with respect to their activities in Scotland.⁸

In January 2015 the Coalition Government published a command paper responding to Smith, which included draft clauses. This was to demonstrate what legislative proposals might be contained in a final Bill to be published sometime after the 2015.⁹ In May 2015 the new Conservative Government published what became the [Scotland Act 2016](#). Sections 40-46 and 55-57 and Schedule 2 relate to transport matters – they were passed substantially unchanged from their draft format back in 2014.

In February 2016 Transport Scotland and Transport for the North signed a Memorandum of Understanding, aimed at improving cross-border transport connectivity.¹⁰

⁵ Calman Commission, [Serving Scotland Better: Scotland and the United Kingdom in the 21st Century](#), June 2009, p3

⁶ *ibid.*, pp190-2; for more detail see section 2.2, below

⁷ Smith Commission, [Report of the Smith Commission for further devolution of powers to the Scottish Parliament](#), November 2014

⁸ *ibid.*, pp19&21

⁹ HMG, [Scotland in the United Kingdom: An enduring settlement](#), Cm 8990, January 2015, chapter 7

¹⁰ Transport Scotland press notice, [“Agreement to strengthen cross-Border cooperation”](#), 17 February 2016

1.2 What is reserved to Westminster?

Roads

Schedule 5, Part II, Head E1 of the 1998 Act, as amended, sets out in full those road matters reserved to the UK Parliament.

In general, matters relating to road traffic and road transport are reserved where there is a need to ensure consistency of treatment and approach between Scotland and the rest of the UK. The following reserved matters are of particular note:¹¹

- Parts of the [Public Passenger Vehicles Act 1981](#) and the [Transport Act 1985](#): public service vehicle (i.e. bus and coach) operator licensing, safety issues, and roadworthiness;
- Parts of the [Road Traffic Regulation Act 1984](#): section 17 on traffic regulation on special roads;
- [Road Traffic Act 1988](#) (RTA 1988) and the [Road Traffic Offenders Act 1988](#) (RTOA 1988): the main road traffic offences and the requirements pertaining to the construction and use of vehicles, licensing of drivers and instructors and vehicle insurance. Exempted from the reservation are sections 8 and 11 on drink drive limits [devolved in 2012]; sections 39 and 40 (relating to road safety and training); and sections 157 to 159 (relating to payments for treatment of traffic casualties) of RTA 1988;
- [Vehicle Excise and Registration Act 1994](#): this Act contains the provisions on vehicle excise duty (road tax), licensing and registration; and
- Matters relating to goods vehicles, including: the [Goods Vehicles \(Licensing of Operators\) Act 1995](#): how LGV/HGV operators must be licensed (in Scotland by the [Traffic Commissioner for Scotland](#)); the regulation of proper hours or periods of work by persons engaged in the carriage of passengers or goods by road; and the conditions under which international road transport services for passengers or goods may be undertaken.

Railways

Schedule 5, Part II, Head E3 of the 1998 Act, as amended, sets out in full those railways matters reserved to the UK Parliament.

In general, the provision and regulation of railway services is a reserved matter except for those that both begin and end in Scotland, which are devolved. This includes rail safety and security. 'Railway services' are those defined in section 82 of the [Railways Act 1993](#) but excluding the wider meaning of 'railway' given by section 81(2) of that Act. This means that railway services for the purposes of the reservation include services in relation to the carriage of passengers (including luggage, parcels and mail) and of goods and services in relation to stations, maintenance facilities and the provision and operation of the rail

¹¹ all legislative references are to Acts as amended by subsequent legislation

network itself. As the wider meaning of 'railway' does not apply,¹² tramways and guided transport systems are not reserved.

Of the smaller reservations the most notable are the [Channel Tunnel Act 1987](#), which contained the powers for the construction of the Channel Tunnel and operation of the railway link through the Tunnel; and the [Railway Heritage Act 1996](#), which contains provisions for the preservation of railway records and artefacts since the privatisation of British Rail in the mid-1990s. Also reserved under the 1993 Act is financial responsibility should a franchisee go bankrupt and the overall financial regime of subsidies to franchise holders.

Aviation

Schedule 5, Part II, Head E4 of the 1998 Act, as amended, sets out in full those aviation matters reserved to the UK Parliament.

In general, matters relating to aviation and air transport are reserved where there is a need for consistent provision across the UK, for example in order to comply with international obligations or agreements (such as those relating to aviation security generally, aircraft safety or the employment of pilots and crew) or for practical reasons (e.g. arrangements to compensate or repatriate passengers in the event of an air transport operator's insolvency). Issues such as noise management and environmental pollution are devolved, as is planning. The following reserved matters are of particular note:¹³

- **Carriage by air:** 1961, 1962 and 1979 Acts¹⁴ gave legal effect to the [1929 Warsaw Convention](#), as amended by the [Hague Protocol of 1955](#), the [Guadalajara Convention 1961](#), and the [Montreal Convention 1975](#) relating to the rights and liabilities of air carriers, carriers' servants and agents, passengers, consignors, consignees and other persons; and the unification of certain rules relating to international carriage by air performed by a person other than the contracting carrier;
- **Civil aviation:** the [Civil Aviation Act 1982](#) deals with the administration of civil aviation, including the constitution, function and financing of the [Civil Aviation Authority \(CAA\)](#); the provision of aerodromes, including the acquisition of land and local consultation; the regulation of civil aviation, including the power to make Air Navigation Orders and the investigation of accidents; the design, construction and maintenance of aircraft; and the application of criminal law to aircraft and the powers of the captain of an aircraft;
- **Airports:** the [Airports Act 1986](#) provided for the transfer of the undertakings of the British Airports Authority and local authority airports; and
- **Safety and security:** section 1 of the [Aviation and Maritime Security Act 1990](#) makes it an offence to endanger safety at

¹² 'railway' having the meaning given by section 67(1) of the [Transport and Works Act 1992](#)

¹³ all legislative references are to Acts as amended by subsequent legislation

¹⁴ [Carriage by Air Act 1961](#); [Carriage by Air \(Supplementary Provisions\) Act 1962](#); and [Carriage by Air and Road Act 1979](#)

aerodromes by any act of violence; and section 48 provides the power to detain aircraft owned by a State which is deemed to be contravening any international agreement on aviation to which that State and the United Kingdom are parties.

Maritime

In general, matters relating to maritime transport are reserved where there is a need for consistent provision across the UK, for example in order to comply with international obligations or agreements (such as those relating to vessel safety or the employment of seafarers) or for practical reasons (e.g. regarding coastguards and lighthouses). Financial assistance for shipping services which start and/or finish outside Scotland and navigational rights and freedoms are also reserved.

Crucially the main legislation which provides for UK shipping, including registration, manning and command, safety, pollution and liability is reserved, along with the relevant provisions relating to navigation (lighthouses), salvage and wrecks, and security. These incorporate international commitments entered into by the UK Government for the whole of the United Kingdom.¹⁵

One reserved maritime issue that has come to the fore in recent years is the coastguard and Emergency Towing Vessels (ETVs). In December 2010 the Maritime and Coastguard Agency (MCA) proposed a major reform of the coastguard. These changes provoked intense debate within the industry and were subject to a number of reports from both the Transport Select Committee and the Scottish Affairs Committee. The Government insists that the changes, announced in November 2011, reflect a “clear blueprint for the operation of the nationally networked coastguard co-ordination service”. Government-funded emergency towing vessels in England have also been scrapped; to be replaced by a commercial service. There is still one Government-funded ETV in Scotland. Of the eight centres that form the new coastguard network, three are in Scotland (Aberdeen, Shetland and Stornoway), while the Clyde and Forth Maritime Rescue Coordination Centres (MRCCs) were closed in 2012.¹⁶

These reforms prompted SNP MPs and MSPs to call for the coastguard in Scotland to be devolved.¹⁷ An amendment to what became the 2012 Act, put down by the SNP MP Angus MacNeil, to devolve the coastguard in Scotland was debated on 15 March 2011 and rejected by the House by 480 votes to 9.¹⁸

On the Scottish ETV, funding from the UK Government was due to expire on 31 March 2016. The cost of the ETV is roughly £2-£3 million per year. The Government announced on 22 February that the funding would be continued to 30 September to allow for a long-term solution

¹⁵ specifically the [Merchant Shipping Act 1995: Aviation and Maritime Security Act 1990](#), and [Merchant Shipping and Maritime Security Act 1997](#)

¹⁶ for further information on reform of the coastguard and ETVs, see HC Library briefing paper [SN186](#)

¹⁷ see, e.g.: SNP press notice, “[SNP bid to stop coastguard cuts](#)”, 27 January 2011

¹⁸ [HC Deb 15 March 2011, cc206-217](#)

to be found.¹⁹ After much campaigning the Government announced in July 2016 that funding would be provided for a further five years.²⁰

1.3 Where can I find information on devolved transport issues?

The Scottish Parliament has competence to legislate about the following:

- **Roads and road-based transport:** promotion of road safety; payments for hospital treatment of road traffic accident casualties; bus policy – including bus subsidies and regulation; cycling powers; parking policy; local road pricing (including congestion charging); the drink drive limit;²¹ speed limits;²² road signs and manage pedestrian crossings; and concessionary travel schemes.
- **Railways:** letting the ScotRail and Caledonian Sleeper franchises; grants to railway services; tramways and guided transport systems; rail strategy (as part of the Periodic Review);²³ financial assistance for freight services; penalty fares; code of practice for disabled rail users; any railway administration order involving a Scottish railway company; the British Transport Police in Scotland;²⁴ and any high speed rail policy for Scotland.
- **Aviation:** some of Part III of the 1982 Act relating to aerodromes; Part II of the 1986 Act (the transfer of airport undertakings of local authorities); sections 63 and 64 (airport byelaws); and section 66 (functions of operators of designated airports as respects abandoned vehicles); 'lifeline' air routes; and Air Passenger Duty (APD).²⁵
- **Maritime:** shipping services which both begin and end in Scotland; the planning system and Public Service Obligation (PSO) designations, both of which affect ports, harbours and ferry routes; ferry services more generally; and a formal consultative role in setting the strategic priorities for the Maritime and Coastguard Agency (MCA) and the Northern Lighthouse Board (NLB) with respect to their activities in Scotland.

[Transport Scotland](#) is the Scottish Government agency with responsibility for transport policy, planning and delivery.

The [Scottish Parliament Information Centre \(SPICe\)](#) produces briefings on transport policy in Scotland. Its briefings pre-April 2017 can be found [here](#); and post-April 2017 [here](#).

Recent briefings which may be of particular use include:

¹⁹ [HC Deb 22 February 2016, c128](#)

²⁰ "ETV reprieve", *Maritime Journal*, 14 July 2016

²¹ lowered to 50 milligrammes of alcohol in 100 millilitres of blood via the *Road Traffic Act 1988 (Prescribed Limit) (Scotland) Regulations 2014 (SSI 2014/328)*

²² the speed limit for HGVs on the A9 was increased via the *HGV Speed Limit (M9/A9 Trunk Road) Regulations 2014 (SSI 2014/274)*

²³ for more information see HC Library briefing paper [SN2071](#)

²⁴ the Scottish Parliament is currently legislating to merge the BTP with Police Scotland via the [Railway Policing \(Scotland\) Bill](#)

²⁵ to be replaced by an air departure tax in 2018, currently being legislated for by the Scottish Parliament via the [Air Departure Tax \(Scotland\) Bill](#)

- [SB 16-55 Transport in Scotland](#), 14 June 2016: This subject profile provides an introduction to walking, cycling, road, rail, air, bus, maritime and freight transport in Scotland.
- [SB 15-55 Footway Parking and Double Parking \(Scotland\) Bill](#), 11 September 2015: The Footway Parking and Double Parking (Scotland) Bill was introduced in the Scottish Parliament by Sandra White MSP on 20 May 2015.
- [SB 14-30 Walking and Cycling](#), 25 April 2014: This briefing provides background information on walking and cycling as forms of transport in Scotland. It gives a brief summary of walking and cycling statistics, policy and funding plus other related topical issues

Queries about any of these policy areas should be directed to [your local MSP](#).

2. Wales

2.1 Legislation

Wales is waiting for its new system of devolution, set out in the [Wales Act 2017](#). The Act introduces a 'reserved powers' model which specifies the matters reserved to the UK; everything else is devolved. This is the reverse of the current model. Government commencement orders are needed to introduce these changes. Until the 2017 Act comes into force the provisions of the [Government of Wales Act 2006](#) apply.

The decision by the Labour Government in 1997 to provide for new devolved legislatures and governments in Scotland and Wales led to the devolution of significant transport powers. Its 1997 White Paper set out proposals for a "directly-elected Assembly [that] will assume responsibility for policies and public services currently exercised by the Secretary of State for Wales".²⁶ In terms of transport, the only responsibilities listed were: being the highways authority for trunk roads and funding transport infrastructure projects.²⁷

In the event, the [Government of Wales Act 1998](#) created the National Assembly for Wales. It was given executive powers to make secondary legislation in eighteen areas but was dependent on the UK Parliament if it wanted primary legislation to be passed in relation to Wales.²⁸ The Welsh Government entered into a series of bilateral Concordats with UK Government Departments.²⁹ The Concordat on transport was published in 2003.³⁰ It ceased being applicable in 2011.

In 2002, the First Minister of the National Assembly for Wales appointed the Commission on the Powers and Electoral Arrangements of the National Assembly for Wales, chaired by Lord Ivor Richard (the Richard Commission). This reported in March 2004, recommending a legislative Assembly for Wales, based on the reserved powers model (used in Scotland) and separate to the executive.³¹ This was followed by a White Paper from the UK Government in 2005 and resulted in the [Government of Wales Act 2006](#).³²

The 2006 Act formally separated the National Assembly for Wales and the Welsh Assembly Government into legislature and an executive. Rather than the 'reserved powers model' it worked on a 'conferred powers model': the Act conferred on the National Assembly restricted primary law-making powers. This meant that: "from the 2007 elections, the National Assembly had powers to make Assembly Measures on any "Matter" within the twenty devolved "Fields" in Schedule 5 of the Act.

²⁶ Wales Office, *A Voice for Wales: The Government's proposals for a Welsh Assembly*, Cm 3718, July 1997, p7

²⁷ *ibid.*, p33

²⁸ Silk Commission, *Empowerment and Responsibility: Legislative Powers to Strengthen Wales*, March 2014, p12, box 2.1

²⁹ Welsh Government, *Concordats*, 24 January 2012 [accessed 18 May 2017]

³⁰ DfT, *Concordat between the Department and the Welsh Assembly Government*, 2003

³¹ *Report of the Richard Commission*, March 2004

³² Wales Office, *Better Governance for Wales*, Cm 6582, June 2005

Before a Matter could be legislated on, it had to be specifically listed within the Field in Schedule 5 either through provisions in an Act of the UK Parliament or through a complicated procedure known as a “Legislative Competence Order”³³.

The last set of changes came about in 2011 as a result of a further referendum in which 63.5 per cent voted in favour of enhanced legislative powers for the National Assembly. In practice, this meant that the National Assembly would have power to legislate over the “Subjects” listed in Schedule 7 of the 2006 Act. These Subjects “would be the same as the Fields listed under Schedule 5 of the Act, but there would no longer be a need to request devolution of specific Matters within a Field. Instead, if a Subject was listed under Schedule 7, the National Assembly had competence to legislate on any issue relating to that Subject as long as it was not listed as an Exception under the Act”³⁴.

The 2017 Act was the result of the second report of the Commission on Devolution in Wales, chaired by Paul Silk (the Silk Commission).³⁵ In February 2015 the Coalition Government published proposals for further devolution to Wales as part of the St David’s Day Agreement, based on the second Silk Commission report, the knock-on effects of the Smith Commission recommendations in Scotland and further proposals regarding fiscal devolution.³⁶

2.2 What is reserved to Westminster?

As indicated above, Wales is waiting for its new system of devolution, set out in the 2017 Act. Until these powers are commenced the following applies, as set out under the 2006 Act.

Under Subject 10 of Schedule 7 to the 2006 Act (highways and transport) the Assembly may not legislate on security matters, in particular the carriage of dangerous goods (including transport of radioactive material).

On **roads and road-based public transport**, the Assembly may not legislate in the following areas:

- Registration of local bus services, and the application and enforcement of traffic regulation conditions in relation to those services;
- Road freight transport services, including goods vehicles operating licensing;
- Regulation of the construction and equipment of motor vehicles and trailers, and regulation of the use of motor vehicles and trailers on roads (except for road charges on Welsh trunk roads, learner transport, and transporting animals);

³³ op cit., [Empowerment and Responsibility: Legislative Powers to Strengthen Wales](#), p14, box 2.3

³⁴ ibid., p15, box 2.4

³⁵ ibid.; the first report of the Silk Commission resulted in the [Wales Act 2014](#), which included enhanced powers for the Welsh Assembly and Welsh Government over elections and taxation

³⁶ HMG, [Powers for a Purpose: Towards a Lasting Devolution Settlement for Wales](#), Cm 9020, February 2015, chapter 2.5

13 Transport in Scotland, Wales & Northern Ireland

- Road traffic offences;
- Driver licensing and instruction;
- Insurance of motor vehicles;
- Drivers' hours;
- Traffic regulation on special roads (i.e. motorways) (except for regulation relating to trunk road charging schemes);
- Pedestrian crossings;
- Traffic signs (except for the placing and maintenance of traffic signs relating to trunk road charging schemes);
- Speed limits;
- International road transport services for passengers;
- Public service vehicle (i.e. bus and coach) operator licensing;
- Vehicle import and export;
- Vehicle Excise Duty (car tax) and vehicle registration; and
- Technical specifications for fuel for use in internal combustion engines.

On **rail**, the Assembly may not legislate in areas regarding the provision and regulation of railway services except for railway heritage and specified forms of financial assistance.³⁷

On aviation, the Assembly may not legislate on aviation, air transport, airports and aerodromes, with the following *exceptions*:

- financial assistance to providers or proposed providers of air transport services or airport facilities or services;
- strategies by Welsh Ministers or local or other public authorities about provision of air services; and
- regulation of use of aircraft carrying animals for the purposes of protecting human, animal or plant health, animal welfare or the environment.

And on **maritime**, the Assembly may not legislate in the following areas:

- Shipping (except financial assistance for shipping services to, from or within Wales, and regulation of vessels for health, animal welfare or environmental purposes);
- Navigational rights and freedoms (except for regulation of works which may obstruct or endanger navigation);
- Technical and safety standards of vessels; and
- Harbours, docks, piers and boat-slips (except for those used for fishing, recreation, or communication between places in Wales, and for the purposes of protecting human or animal health or the environment).

³⁷ this being financial assistance which does not relate to the carriage of goods; is not made in connection with a [Railway Administration Order](#); and is not made in connection with Regulation [1370/2007/EC](#) on public passenger transport services by rail and by road

2.3 Where can I find information on devolved transport issues?

The Welsh Government is responsible for developing and delivering a transport strategy (published in 2008) and a National Transport Plan (NTP). In July 2015 the Welsh Government published a National Transport Finance Plan, setting out how it would deliver the outcomes set out in the [Wales Transport Strategy](#) from 2015 and beyond.³⁸

Subject 10 of Schedule 7 to the 2006 Act (highways and transport) states that the Assembly may legislate on highways, including bridges and tunnels; street works; traffic management and regulation; transport facilities and transport services, excepting those areas stated therein and explained in more detail in section 2.2, above.

It can also legislate on railway heritage and specified forms of financial assistance; financial assistance to providers of air transport services, airport facilities or services; strategies by Welsh Ministers or local or other public authorities about provision of air services; and regulation of use of aircraft carrying animals for the purposes of protecting human, animal or plant health, animal welfare or the environment.

It also sets concessionary travel fares within Wales and has legislated on learner and active travel.

Once the 2017 Act comes into force the following additional powers devolve to Wales:

- setting **speed limits**;
- Regulating with regards to **pedestrian crossings** and **traffic signs**;
- prescribing **signs** and approving **school crossing patrol** uniforms;
- complete powers over the **bus network** including to legislate on re-regulation;
- **taxi and private hire vehicle (PHV)** licensing; and
- the functions of a Minister of the Crown under legislation concerning **harbours, harbour authorities** and **pilotage** (except for reserved trust ports).³⁹

³⁸ Welsh Government, [National Transport Finance Plan](#), 16 July 2015

³⁹ defined in section 32 and effectively referring to Milford Haven, see [Impact Assessment of the Wales Bill](#), p5

The Wales & Borders rail franchise

In 2018, the current Wales & Borders rail franchise will expire, which will bring to an end the 15 year franchise currently operated by Arriva Trains. The Welsh Government will let the franchise and be responsible for its management and oversight, under a Transfer for Functions Order made under the 2006 Act.

The National Assembly for Wales Research Service has written extensively about the challenges facing the Welsh Government regarding the let of the new franchise and the various forms it might take:

[The future of passenger rail](#), 16 June 2016

[Research Briefing: Rail Franchising in Wales](#) (paper no. 16-043), 12 July 2016

The Wales Audit Office published a report stating that the Welsh Government must manage effectively the risks around its approach to the procurement of the next Wales and Borders rail franchise if it is to fully realise the intended benefits:

[Welsh Government investment in rail services and infrastructure](#), 5 September 2016

The Welsh Affairs Select Committee launched an inquiry into the new franchise in July 2016 and published a report in January 2017: [Wales and Borders rail franchise inquiry](#)

The National Assembly for Wales Economy Infrastructure and Skills Committee has also just finished an inquiry into the next rail franchise and Metro. It should be publishing its report before the summer recess:

<http://senedd.assembly.wales/mglssueHistoryHome.aspx?lId=16054>

The Welsh Government has responsibility for transport policy, planning and delivery. In 2015 it set up [Transport for Wales \(TfW\)](#), a wholly owned, not-for-profit company, to provide support and expertise to the Government in connection to transport projects in Wales.

The [Research Service of the National Assembly of Wales](#) produces briefings on transport policy in Wales. It produces briefing papers available [here](#), and shorter 'in brief' blog pieces [here](#).

Recent briefings which may be of particular use include:

- [Proposed toll reductions for the Severn Crossings](#), 20 January 2017
- [Rail Infrastructure Planning in Wales – a quick guide](#), July 2016
- [Transport in north Wales](#), 10 June 2016
- [Reading List: Transport](#), May 2016

Queries about any of these policy areas should be directed to [your local AM](#).

3. Northern Ireland

3.1 Legislation

The devolution of powers relating to transport in Northern Ireland was legislated for in the [Northern Ireland Act 1998](#). Devolution followed the Belfast/Good Friday Agreement in 1998 and also led to the establishment of the [North-South Ministerial Council \(NSMC\)](#), a body intended to address matters of mutual interest, one of which is transport. The NSMC Transport Sector meets in order to make decisions on common policies and approaches in areas such as co-operation on strategic transport planning, including road and rail infrastructure, public transport services and road and rail safety.

The vast majority of public transport services are provided by the subsidiary companies of the Northern Ireland Transport Holding Company (NITHC) - a statutory body (public corporation) established by the [Transport Act \(Northern Ireland\) 1967](#) to oversee the provision of public transport in NI. The three subsidiary companies, Citybus (which operates Metro bus services), NI Railways and Ulsterbus, have operated under the overall brand-name of [Translink](#) since 1996, although the companies are separate legal entities.

The 1967 Act remained the primary transport legislation in Northern Ireland for over 40 years until it was updated by the [Transport Act \(Northern Ireland\) 2011](#). The purpose of this legislative change was twofold: to facilitate an improved and more accessible public transport system and also to take account of the modern operating environment including requirements to comply with European legislation.

3.2 What is reserved to Westminster?

Responsibility for aviation and shipping matters remains reserved. However, issues around air connectivity and the impact this has on the Northern Ireland economy has led to calls for a separate air transport strategy for Northern Ireland to take account of the region's unique position within the UK whereby it is almost entirely reliant on air transport for, in particular, business and leisure travel.⁴⁰

3.3 Where can I find information on devolved transport issues?

As indicated above, the vast majority of public transport services are provided by Citybus (which operates Metro bus services), NI Railways and Ulsterbus, which have operated under the overall brand-name of [Translink](#) since 1996, although the companies are separate legal entities.

The [Department for Infrastructure \(Dfi\)](#) has overall responsibility for transport policy and planning in Northern Ireland. These policies are

⁴⁰ see, for example, NIA Committee, [An air transport strategy for Northern Ireland](#) (first report of session 2012–13), HC 76, 30 November 2012

17 Transport in Scotland, Wales & Northern Ireland

delivered by [TransportNI](#), a business unit within the DfI which is, in effect, the roads and public transport authority in Northern Ireland. DfI also has responsibility for vehicle registration, road safety and [Driver and Vehicle Agency \(DVA\)](#) functions.⁴¹

Local authorities in Northern Ireland have no statutory responsibilities with regard to transport policy or planning. However, they are expected to have a prominent role in the production of local transport plans as these emerge following the commencement of local government reform. There have as yet been no further details.

The [Research and Information Service \(RaISe\) for the Northern Ireland Assembly](#) produces briefings on transport policy in NI. Its briefings are available [here](#).

Recent briefings which may be of particular use include:

- [Planning, financing and delivering transport infrastructure NIAR 342-16](#), December 2016
- [Northern Ireland Air Connectivity NIAR 679-14](#), 15 October 2014
- [Government Support for Public Transport in Great Britain and Northern Ireland NIAR 890-12](#), 13 February 2013

Queries about any of these policy areas should be directed to [your local MLA](#).

⁴¹ following the Stormont House Agreement of 23 December 2014, which included a commitment to reduce the number of Government Departments from 12 to nine in time for the 2016 Assembly election, abolishing the former Department of the Environment

The House of Commons Library research service provides MPs and their staff with the impartial briefing and evidence base they need to do their work in scrutinising Government, proposing legislation, and supporting constituents.

As well as providing MPs with a confidential service we publish open briefing papers, which are available on the Parliament website.

Every effort is made to ensure that the information contained in these publicly available research briefings is correct at the time of publication. Readers should be aware however that briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

If you have any comments on our briefings please email papers@parliament.uk. Authors are available to discuss the content of this briefing only with Members and their staff.

If you have any general questions about the work of the House of Commons you can email hcinfo@parliament.uk.

Disclaimer - This information is provided to Members of Parliament in support of their parliamentary duties. It is a general briefing only and should not be relied on as a substitute for specific advice. The House of Commons or the author(s) shall not be liable for any errors or omissions, or for any loss or damage of any kind arising from its use, and may remove, vary or amend any information at any time without prior notice.

The House of Commons accepts no responsibility for any references or links to, or the content of, information maintained by third parties. This information is provided subject to the [conditions of the Open Parliament Licence](#).