

**Transport Accessibility and Road Safety Team
Transport Policy**

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Date: 17 February, 2014

Dear David,

Thank you for your letter of 16 January regarding the clarification of legal duties and further information for the Transport Safety Commission inquiry: *UK Transport Safety: Who is responsible?*

Transport Scotland (TS) is an executive agency of the Scottish Government accountable to the Scottish Parliament through the Scottish Ministers. It is part of the Scottish Administration for the purposes of Part II of the Scotland Act 1998. TS operates in accordance with a Framework Document which is approved and reviewed by the Scottish Ministers (<http://www.transportscotland.gov.uk/report/j232467-00.htm>).

Powers and duties of Scottish Ministers as Roads Authority/Traffic Authority

In terms of section 2 of the Roads (Scotland) Act 1984, the Scottish Ministers have a general duty to manage and maintain trunk roads and other specified roads in their capacity as roads authority. In connection with that general duty, the Scottish Ministers have a number of specific powers and duties, under that Act, in relation to safety.

Other powers/duties in relation to roads

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The Scottish Ministers are also given powers to provide for promoting road safety by disseminating information or advice relating to the use of roads (Road Traffic Act 1988). To this end, national road safety education and publicity initiatives are carried out by Road Safety Scotland which is part of TS's Road Safety Team.

In addition, following changes made by the Scotland Act 2012, Scottish Ministers have the power to set a Scottish national speed limit (as defined in section 64(2A) of the Road Traffic Regulation Act 1984 ("RTRA 1984")) and certain vehicle speed limits (section 86 of RTRA 1984). They also have the power to set the drink-drive limit for Scotland (see section 8 of the Road Traffic Act 1988).

Powers and duties relating to railway safety

The provision and regulation of railway services along with rail transport security are reserved matters for the purposes of the Scotland Act 1998. There are therefore no duties or powers directly imposed on Scottish Ministers in relation to railway safety.

However, tramway safety is a devolved matter and the Scottish Parliament passed a legislative consent motion in November 2014 in relation to provision contained within the UK Deregulation Bill which would bring the investigation of tramway accidents in Scotland within the remit of the UK Rail Accident Investigation Branch.

Safety targets

Scotland's Road Safety Framework to 2020, published in June 2009, includes distinct and challenging targets for reductions in road casualties by 2020. These are the first ever Scottish road safety targets: 40% reduction in fatalities; 55% reduction in serious injuries; 50% reduction in children killed and 65% reduction in children seriously injured based on a 2004-2008 average. This can be seen at:

<http://www.scotland.gov.uk/Resource/Doc/274552/0082161.pdf>

I hope this information is useful.

Yours sincerely,

Jill Mulholland
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Transport Scotland