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Net Zero, Energy and Transport Committee

Net Zero, Energy and Transport Committee report on the National Bus Travel Concession Schemes (Miscellaneous Amendment) (Scotland) Order 2026 (draft)



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Net Zero, Energy and Transport Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Transport and the Cabinet Secretary for Climate Action and Energy, with the exception of matters relating to just transition; and on matters relating to land reform, natural resources and peatland, Scottish Land Commission, Crown Estate Scotland and Royal Botanic Garden within the responsibility of the Cabinet Secretary for Rural Affairs, Land Reform and Islands.



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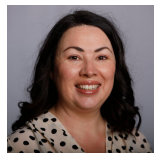
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Introduction

1. The National Bus Travel Concession Schemes (Miscellaneous Amendment) (Scotland) Order 2026 [draft] (“the order”) was laid before the Parliament on 29 January 2026 and is subject to the affirmative procedure. The Net Zero, Energy and Transport Committee has been designated as lead committee and is required to report on the order by 9 March 2026.
2. It is for the Net Zero, Energy and Transport Committee, as lead committee, to decide whether or not to recommend approval. On 12 February 2026, the Minister for Agriculture and Connectivity lodged Motion [S6M-20799](#), proposing that the Committee recommend the draft order be approved.
3. An identical instrument was laid on 4 December 2025, and the Committee took evidence on it on 20 January. However, at that meeting, the Minister did not move the motion recommending approval after Members raised concerns, particularly about the absence of the text of a proposed code of conduct, which had not been provided alongside the instrument. The instrument was subsequently withdrawn and re-laid on 29 January. The re-laid instrument has the same title as the withdrawn instrument. On 28 January 2026, a draft code of conduct was provided to the Committee by [correspondence](#).

About the instrument

4. The instrument amends the [National Bus Travel Concession Scheme for Older and Disabled Persons \(Scotland\) Order 2006](#) and the [National Bus Travel Concession Scheme for Young Persons \(Scotland\) Order 2021](#), to give Scottish Ministers the power to withdraw or suspend concessionary travel where an individual is found to be in breach of the standards of conduct determined by the Scottish Ministers while using the scheme.
5. Transport Scotland operates two national concessionary travel schemes (NCTS). As part of these schemes, bus operators are paid a proportion of the full adult fare for each concessionary traveller carried. The schemes are:
 - Scheme for older and disabled people: Launched in April 2006, this scheme offers free travel on registered local bus services and scheduled coach services within Scotland to Scottish residents aged 60+ or to disabled residents of any age.
 - Scheme for young people: Launched in January 2022, this scheme offers free travel on registered local bus services and scheduled coach services within Scotland for Scottish residents aged five to 21 years (children aged 0-4 already travel on buses for free).
6. The policy note states that in recent years, concerns have been raised about passenger safety and antisocial behaviour on public transport. In response, the Scottish Government is developing what it calls a “multi-faceted approach to encourage behaviour change on the bus network, including introducing a code of conduct for all NCTS users, developing educational materials outlining responsible behaviour on buses, and exploring additional visible safety measures.”
7. The policy note says that work on a code of conduct as well as the processes and procedures for suspension is progressing. The code of conduct and suspension policy are part of a package of measures to deter antisocial behaviour, encouraging better behaviour by all bus users, rather than relying on enforcement.
8. The instrument also sets out procedural requirements to ensure that before Scottish Ministers make a decision on whether to suspend or withdraw access to concessionary travel, the scheme user is given notice, including the grounds for potential suspension, and also provided with an opportunity to make representations.
9. The policy note also highlights that the suspension of concessionary travel does not prevent a person from paying to travel on the bus service, however, bus operators do have the right to refuse service to a person who has breached their conditions of carriage.

Consideration by the DPLR Committee

10. The Delegated Powers and Law Reform (DPLR) Committee is required to consider every instrument laid before the Parliament and decide whether to draw it to the attention of the Parliament on any of the “reporting grounds” set out in Rule 10.3 of the Parliament’s standing orders.
11. The DPLR Committee considered the instrument on 10 February 2026 and reported on it in its [17th Report, 2026](#) . It made no recommendations but noted that the original draft of this instrument, which was laid on 4 December 2025, was withdrawn and the present version was re-laid to enable a draft Code to be provided to the lead committee to aid its scrutiny of the draft instrument.

Consideration by the Net Zero, Energy and Transport Committee

12. To support its scrutiny of the instrument, the Committee agreed on 16 December 2025 to issue a targeted call for views to stakeholders representing the bus industry, as well as young people, older people and disabled people. Responses to the call for views are published on the Committee’s [website](#). The key themes raised in the written evidence are summarised below.

Scale and nature of antisocial behaviour on buses

13. Respondents broadly agreed that antisocial behaviour occurs on buses but differed in their assessment of its prevalence and the groups most commonly involved. Bus Users UK reported that antisocial behaviour is “a common theme across Scotland,” but said there is a perception that it may be “possibly worse than it actually is,” noting that it receives very few passenger complaints relating to such behaviour and that its compliance officers have witnessed only isolated incidents. The Confederation of Passenger Transport (CPT) Scotland similarly emphasised that while incidents are relatively low in number compared to the volume of bus journeys, they can nonetheless have a significant impact on staff wellbeing, service reliability and passenger confidence.
14. The Scottish Association for Public Transport (SAPT), placed greater emphasis on disruptive behaviour by groups of teenagers, particularly around school times and in the evenings, suggesting that some passengers avoid bus travel at certain times as a result.
15. In contrast, children and young people’s organisations strongly challenged narratives that disproportionately associate antisocial behaviour with young people. The Children and Young People’s Commissioner for Scotland warned that children and young people are “stereotyped based on the behaviour of a minority of individuals,” highlighting evidence that the majority of recorded antisocial behaviour involves adults. The Scottish Youth Parliament (SYP) cited survey evidence showing that many young people feel unsafe on public transport due to the behaviour of adults, including sexual harassment, and reported that 51% of young respondents felt unsafe on public transport.

Principle of suspending or withdrawing concessionary travel

16. Transport and passenger bodies generally supported the principle that concessionary travel should be capable of being suspended or withdrawn in cases of serious or persistent antisocial behaviour. Bus Users UK stated that robust protocols are necessary to protect the safety of all passengers, while CPT Scotland argued that the right to free travel should be accompanied by a responsibility to travel safely and responsibly. SAPT expressed strong support for the principle, noting that such sanctions had been anticipated when under-22 free travel was introduced and referring to a fatal assault on a bus driver in 2024 as a catalyst for action.
17. Children’s rights organisations, however, expressed significant reservations. The Commissioner warned that suspension or withdrawal of a bus pass could have “a significant negative impact” on children’s ability to realise their rights, including access to education, healthcare, employment and recreation, with disproportionate impacts on children in poverty. SYP argued that punitive measures in isolation are unlikely to reduce antisocial behaviour and supported instead a tiered and proportionate approach, including warnings, education and opportunities to appeal, with permanent withdrawal viewed as inappropriate.

Workability of the approach and procedural safeguards

18. Most respondents considered that the instrument provides a workable enabling framework, subject to careful implementation. Bus Users UK described the procedural safeguards set out in the instrument as “thorough and robust,” while CPT Scotland emphasised that the order creates an enabling power, with detailed operational arrangements to be developed through a code of conduct . CPT Scotland also clarified that although the instrument refers to “travel cards,” it is only the concessionary entitlement that would be withdrawn, not the physical card itself.
19. SAPT supported the inclusion of procedural safeguards but cautioned that identification and evidencing of anti-social behaviour could prove difficult in practice, citing limitations of CCTV and challenges in matching card photographs to individuals.
20. The Children and Young People’s Commissioner for Scotland set out detailed requirements for any suspension or withdrawal process, including individual assessment, formal notification, opportunities to make representations, consideration of alternatives and access to independent review and appeal, stressing that withdrawal should be exceptional.
21. SYP similarly stressed that procedural safeguards must be communicated clearly and accessibly to young people and that they should be involved in the design, implementation and review of these processes.

Impact on frontline staff and service delivery

22. Transport stakeholders generally anticipated positive impacts on frontline staff if the policy is applied effectively. Bus Users UK suggested the policy could reassure staff that action can be taken against serious misconduct and act as a deterrent. CPT Scotland stated that the existence of the power would demonstrate that the Scottish Government takes antisocial behaviour seriously, while emphasising that decisions would rest with Ministers rather than drivers or operators.

23. SAPT suggested that successful implementation could improve staff wellbeing and retention but warned that underreporting of incidents is likely, as drivers often prioritise maintaining service continuity over formal reporting.
24. SYP did not provide evidence on operational impacts but expressed concern that the powers could be applied discriminatorily against young people, potentially undermining relationships between staff and young passengers if not implemented carefully.

Alternatives and complementary approaches

25. There was broad agreement that the proposed powers should form part of a wider, multi-faceted approach. CPT Scotland and Bus Users UK highlighted the importance of complementary measures such as codes of conduct, education and visible safety interventions. SAPT noted that some operators have responded to antisocial behaviour by reducing evening services and discussed, though without endorsement, the idea of curfews on youth travel, acknowledging the wider social consequences.
26. Children and young people's organisations consistently emphasised preventative and supportive approaches. The Commissioner cited strong evidence that purely punitive measures may be ineffective or counterproductive, particularly for young people. SYP strongly linked antisocial behaviour to the loss of youth spaces and services, quoting young people who said that a lack of safe, affordable spaces can lead to boredom and disengagement, contributing to antisocial behaviour.

Evidence session 20 January 2026

27. At its meeting on 20 January 2026, the Committee took evidence on the instrument from:
 - Jim Fairlie, Minister for Agriculture and Connectivity, Scottish Government
 - Carole Stewart, Bus Strategy and Funding Unit Head, Transport Scotland
 - Eilidh McCabe, Concessionary Travel Policy Manager, Transport Scotland
 - Kelly Minio-Paluello, Solicitor, Scottish Government
28. The evidence taken at the meeting can be read in full in the Official Report, which is available here: [Official Report, 20 January 2026](#). Many of the concerns discussed at this meeting were also considered at the Committee's meeting on 17 February 2026.
29. A central concern raised in evidence was that the Committee was being asked to approve a power to suspend or withdraw concessionary travel without sight of the draft code of conduct that would govern how that power would be exercised. Some members stressed that, without the code, it was difficult to understand how antisocial behaviour would be defined in practice.
30. The Committee explored in detail how the proposed arrangements would operate. Members questioned whether behaviour away from buses, but linked to the use of concessionary travel, could fall within scope; what evidential thresholds would apply before action was taken; who within Transport Scotland would make decisions;

what governance and appeal mechanisms would be available; and how long suspensions might last. Throughout the session, Ministers and officials acknowledged that many of these operational matters were still being developed, and in some cases were unable to provide definitive answers. Members repeatedly highlighted that this lack of clarity made it difficult to assess whether the proposals would be deliverable.

31. Given the concerns raised by the Committee, the Minister decided not move the motion to approve the order at the meeting.
32. The instrument was subsequently withdrawn and re-laid before the Parliament on 29 January 2026. On 28 January 2026, a draft code of conduct was provided to the Committee by [correspondence](#). The Committee considered the instrument again on 17 February 2026.

Evidence session 17 February 2026

33. At its meeting on 17 February 2026, the Committee took evidence on the instrument from:
 - Jim Fairlie, Minister for Agriculture and Connectivity, Scottish Government
 - Carole Stewart, Head of Bus Strategy and Funding Policy Unit. Transport Scotland
 - Gary McIntyre, Economist - Bus, Active Travel & Low Carbon Economics. Transport Scotland
 - Jenn Ruddick, Team Leader - Concessionary Travel, Transport Scotland
 - Kelly Minio-Paluello, Solicitor, Scottish Government
34. The evidence taken at the meeting can be read in full in the Official Report, which is available here: [Official Report, 17 February 2026](#).
35. In his opening remarks, the Minister said that free bus travel under the national concessionary travel scheme is “invaluable”ⁱ and provides “life-changing benefits for many people”ⁱⁱ. He said the legislation being introduced was designed to protect those benefits by increasing safety on the bus network and ensuring that “a small minority of cardholders who engage in antisocial behaviour are deterred from doing so”ⁱⁱⁱ.
36. He said the legislation would allow concessionary travel to be suspended or withdrawn from anyone who breaches the code of conduct, which sets out appropriate behaviour for those travelling on the bus network who are using their entitlement to free bus travel. He confirmed that the code would apply to all cardholders, regardless of age.

i Net Zero, Energy and Transport Committee, Official Report, 17 February 2026, Col: 45

ii Net Zero, Energy and Transport Committee, Official Report, 17 February 2026, Col: 45

iii Net Zero, Energy and Transport Committee, Official Report, 17 February 2026, Col: 45

37. The Committee discussed the draft code of conduct that had been provided alongside the instrument. The draft code sets out, in broad terms, the types of behaviour that may lead to the suspension or withdrawal of concessionary travel. It refers to conduct that harms or threatens others, or causes damage or disruption, and includes a number of illustrative examples. In explaining the approach taken in the draft code, the Minister said that the definition of antisocial behaviour in section 143 of the Antisocial Behaviour etc. (Scotland) Act 2004 is “deliberately broad”^{iv}, and that an exhaustive list of antisocial behaviour would be “unworkable and anomalous”^v. For the same reason, he said the draft code does not include a comprehensive list of behaviours, but instead outlines types of conduct that might have a significant impact on bus drivers or passengers. He added that, given the potential impact of suspension, the code is intended to ensure that withdrawal or suspension of free travel is considered “only by exception”^{vi} and is applied in a way that is “proportionate”^{vii}.
38. He said that supporting policies on reporting, suspension and review were still being developed, and that a “phased approach to implementation”^{viii} was necessary to ensure a fair and robust process that considers business impacts, child wellbeing, poverty considerations, data implications and operational issues. He stated that the instrument “will secure the enabling power for the policy”^{ix} and provide a foundation for Transport Scotland to continue work with operators and partners.
39. The Committee discussed the definition in the draft code of conduct, which states that acting in a way that hurts or threatens others could result in loss of entitlement to free travel. The Committee asked whether someone who hurt another person while entitled to concessionary travel would be in breach of the code. The Minister confirmed that they would.
40. The Committee asked whether suspension could be for the entire duration of the concessionary pass if the behaviour were sufficiently serious. The Minister said that Transport Scotland would go through the procedures set out and then decide whether removal should be temporary or permanent. The Committee sought clarification that permanent removal was possible, and the Minister confirmed that this would be an operational decision for Transport Scotland.
41. The Committee sought clarification on the scope of the code of conduct, asking whether antisocial behaviour occurring in a bus station or before boarding would be covered. The Minister confirmed that the instrument applies only to behaviour occurring while a person is on the bus, stating that it is “about during the transport, which is when they are on the bus”^x, and that it applies to what happens “during the travel”^{xi}.

iv Net Zero, Energy and Transport Committee, Official Report, 17 February 2026, Col: 46

v Net Zero, Energy and Transport Committee, Official Report, 17 February 2026, Col: 46

vi Net Zero, Energy and Transport Committee, Official Report, 17 February 2026, Col: 46

vii Net Zero, Energy and Transport Committee, Official Report, 17 February 2026, Col: 46

viii Net Zero, Energy and Transport Committee, Official Report, 17 February 2026, Col: 46

ix Net Zero, Energy and Transport Committee, Official Report, 17 February 2026, Col: 46

42. The Committee questioned the effectiveness of the measure, noting that removing a concessionary card would not prevent violent or abusive individuals from boarding buses, as they could still pay a fare. The Committee also asked how the order related to operators' conditions of carriage, which already apply to all passengers.
43. The Minister confirmed that the order is separate from conditions of carriage and said that it was not intended to address antisocial behaviour more broadly. He said that the removal of a pass could act as a deterrent while someone is travelling on a bus, and that he hoped very few passes would be removed because "the threat of the deterrent should be enough"^{xii}. He also referred to a letter from bus operators stating that, as concessionary schemes are national entitlements, they should be accompanied by "a national standard of conduct and potential sanction"^{xiii}, while retaining operators' ability to apply their own conditions of carriage.
44. The Committee asked whether organisations with expertise in working with young people, including the SYP and Young Scot, had been engaged in developing the code of conduct. The Minister said that there had been wide engagement, including with the Scottish Youth Parliament, which had requested direct correspondence and meetings. He said that Young Scot administrators had not been engaged prior to the order being laid, but that there had been engagement with young people themselves. The Minister said that engagement with the Scottish Youth Parliament had included discussion of young people's experiences when using buses, and that concerns raised by some members related to how safe they felt while travelling. He said that these concerns had informed the Scottish Government's consideration of behaviour on buses and the need for a code of conduct.
45. Some members discussed the wording used in the draft code, noting that it refers broadly to "any kind of harassment" rather than specifying, for example, behaviour like sexual harassment. Some members also raised concerns about references to "indecent language" and asked how bus drivers would judge such behaviour, particularly in cases where a passenger had a neurological disorder like Tourette's syndrome, and what training would be provided to bus drivers. The Minister responded that "it should not have to be spelled out that violence against women and girls is not acceptable"^{xiv}, and said that the code is "laid out in broad terms"^{xv} to allow reasonable judgment to be exercised. He confirmed that decisions would be made by Transport Scotland following a process that allows the individual concerned to set out their case, and that where factors such as a neurological disorder were identified, Transport Scotland would take these into account.
46. Some members raised concerns about public safety on buses and the need to understand the Scottish Government's intention in bringing forward the instrument, particularly in relation to serious violence and abuse. The Minister responded that there is "zero tolerance of violence"^{xvi}, including violence against women and girls,

x Net Zero, Energy and Transport Committee, Official Report, 17 February 2026, Col: 48

xi Net Zero, Energy and Transport Committee, Official Report, 17 February 2026, Col: 48

xii Net Zero, Energy and Transport Committee, Official Report, 17 February 2026, Col: 49

xiii Net Zero, Energy and Transport Committee, Official Report, 17 February 2026, Col: 50

xiv Net Zero, Energy and Transport Committee, Official Report, 17 February 2026, Col: 52

xv Net Zero, Energy and Transport Committee, Official Report, 17 February 2026, Col: 52

but drew a distinction between criminality and antisocial behaviour, stating that criminal behaviour is dealt with through the justice system, while the instrument relates to antisocial behaviour on buses.

47. Members questioned why the focus was on antisocial behaviour rather than serious crime and asked how messaging would reach those who feel unsafe. The Minister said that messaging goes beyond the purpose of the scheme and reiterated that the instrument is intended to give Transport Scotland the ability to remove concessionary entitlement where someone is displaying antisocial behaviour while travelling on a bus.
48. Some members pressed the Minister on whether someone who had caused serious harm on a bus could retain or regain a bus pass. The Minister declined to give prescriptive answers, stating that the instrument is deliberately broad and that decisions would be made by Transport Scotland following a process, explaining that it was designed to allow Transport Scotland, “in its wisdom, to decide whether the pass should be removed”.^{xvii}
49. Members sought clarification on the evidential threshold that would apply to decisions to remove a concessionary bus pass. In response, the Minister referred to the availability of evidence such as CCTV footage, noting that 95 per cent of buses in Scotland now have closed-circuit television, as well as reports from bus drivers and, potentially, other passengers. He said that where a report is made, “the evidence will be presented to Transport Scotland’s officials, who will go through the process to work out whether or not the balance has been crossed that would allow someone’s pass to be taken away from them”^{xviii}.
50. The Committee considered a scenario in which an individual commits an offence on a bus and is later convicted in a criminal court. The Minister stated that his expectation is that the pass would be withdrawn, while emphasising that the decision would rest with Transport Scotland as an operational matter and will not be a ministerial decision.
51. Officials explained the arrangements that would apply where a decision is taken to suspend or withdraw a concessionary bus pass. Officials confirmed that a person subject to the suspension process would be notified in writing, stating that: “A letter will be issued to the person subject to a suspension process, setting out a summary of the situation, the decision that has been taken and the process for requesting a review of that decision.”^{xix}
52. Further clarification was provided on how the review process would operate. In response to questions about independence, officials confirmed that any review would not be carried out by those involved in the original decision. Officials stated that: “The review process would require a further independent review of the decision that was taken and the length, or duration, of the suspension or withdrawal of the card,”^{xx} and confirmed that reviewers would be “separate from those involved in the first decision”^{xxi}. The Minister confirmed that decisions on suspension or

^{xvi} Net Zero, Energy and Transport Committee, Official Report, 17 February 2026, Col: 54

^{xvii} Net Zero, Energy and Transport Committee, Official Report, 17 February 2026, Col: 54

^{xviii} Net Zero, Energy and Transport Committee, Official Report, 17 February 2026, Col: 58

^{xix} Net Zero, Energy and Transport Committee, Official Report, 17 February 2026, Col: 60

withdrawal of concessionary travel would be operational decisions for Transport Scotland, rather than ministerial ones.

53. Members asked whether guidance would be developed to support decision-making in cases involving issues such as racism, gender-based violence or similar forms of unacceptable behaviour. In response, the Minister said that there would be “very wide engagement on the operational side of the issue”^{xxii} and that discussions with Transport Scotland would cover a “very broad spectrum of things”^{xxiii} in order to support implementation.
54. Scottish Government officials confirmed that guidance would be produced for different groups involved in the scheme, stating that: “We will produce guidance for the 2.4 million scheme users. We will also produce guidance for, and provide support to, bus operators and ensure that bus drivers are trained to understand the policy and processes.”^{xxiv} Officials also confirmed that Transport Scotland would develop internal guidance to support consistent decision-making, explaining that “Within Transport Scotland, we will also develop a decision-making framework to help guide decisions.”^{xxv}
55. In response to further questioning about how guidance might operate in practice, Scottish Government officials said that it would be possible to use illustrative examples, stating that: “It is perfectly possible to use some example scenarios in the guidance for passengers and operators in order to indicate how a particular incident would be dealt with under the procedures and what its outcome would be through the review process.”^{xxvi}
56. The Committee also discussed the wider work of Transport Scotland to address antisocial behaviour beyond the withdrawal of concessionary bus passes. Scottish Government Officials referred to ongoing engagement with the bus sector and other partners, stating that: “We have a bus antisocial behaviour stakeholder group run by the Confederation of Passenger Transport,”^{xxvii} and explained that discussions were taking place with operators on issues including conditions of carriage, community engagement, and communication around safety and zero tolerance of antisocial behaviour on buses. Officials emphasised that the suspension process was not being developed in isolation, but as part of a broader package of measures involving operators and local partners.
57. The Committee raised the position of children who rely on concessionary travel to get to school and asked what consideration had been given to situations where a child’s concessionary entitlement might be suspended. The Minister responded by

xx Net Zero, Energy and Transport Committee, Official Report, 17 February 2026, Col: 59, 60

xxi Net Zero, Energy and Transport Committee, Official Report, 17 February 2026, Col: 60

xxii Net Zero, Energy and Transport Committee, Official Report, 17 February 2026, Col: 61

xxiii Net Zero, Energy and Transport Committee, Official Report, 17 February 2026, Col: 61

xxiv Net Zero, Energy and Transport Committee, Official Report, 17 February 2026, Col: 61

xxv Net Zero, Energy and Transport Committee, Official Report, 17 February 2026, Col: 61

xxvi Net Zero, Energy and Transport Committee, Official Report, 17 February 2026, Col: 61

xxvii Net Zero, Energy and Transport Committee, Official Report, 17 February 2026, Col: 62

drawing a distinction between the concessionary travel scheme and statutory school transport arrangements. He stated that children who use their bus pass to get to school “have a right to get to school via the local authority”^{xxviii} and emphasised that this entitlement is separate from concessionary travel. He said that the two schemes are “two different issues”^{xxix} and “should never be regarded as the same”^{xxx}. The Minister explained that, while the operational application of the code of conduct would take account of the circumstances and implications of removing a bus pass, the removal of a concessionary card would not remove a child’s right to education-related transport where they are entitled to that support through their local authority.

xxviii Net Zero, Energy and Transport Committee, Official Report, 17 February 2026, Col: 65

xxix Net Zero, Energy and Transport Committee, Official Report, 17 February 2026, Col: 66

xxx Net Zero, Energy and Transport Committee, Official Report, 17 February 2026, Col: 66

Conclusion

58. Following the conclusion of evidence taking, the Minister moved motion [S6M-20799](#) in his name -

That the Net Zero, Energy and Transport Committee recommends that the National Bus Travel Concession Schemes (Miscellaneous Amendment) (Scotland) Order 2026 [draft] be approved.

59. After debate, the motion was agreed to (by division: For 6, Against 0, Abstentions 1^{xxxi}).

Recommendation

60. The Net Zero, Energy and Transport Committee recommends to the Parliament that the National Bus Travel Concession Schemes (Miscellaneous Amendment) (Scotland) Order 2026 [draft] be approved.

xxxi Mark Ruskell MSP dissented from this decision.

