

2017 No. 0000

PUBLIC PASSENGER TRANSPORT, ENGLAND AND WALES

The Public Service Vehicles (Registration of Local Services in Enhanced Partnership Areas) (England and Wales) Regulations 2018

<i>Made</i>	- - - -	2018
<i>Laid before Parliament</i>		2018
<i>Coming into force</i>	- -	2018

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 6(7), 6C(1), 6E(5) to (8), 6G(9), 6I(7), 134 and 135 of the Transport Act 1985(a) and 138P and 160 of the Transport Act 2000(b).

Representative organisations have been consulted in accordance with section 61(2) of the Public Passenger Vehicles Act 1981.

PART 1

General

Citation, commencement, extent and cessation

1.—(1) These Regulations may be cited as the Public Service Vehicles (Registration of Local Services in Enhanced Partnership Areas) (England and Wales) Regulations 2018.

(2) These Regulations come into force on [insert date].

(3) These Regulations extend to England and Wales.

Interpretation

2.—(1) In these Regulations:

“the 1985 Act” means the Transport Act 1985(c);

“the 1986 Regulations” means the Public Service Vehicles (Registration of Local Services) Regulations 1986(d);

(a) 1985 c.67; in relation to England and Wales, section 6(9) was amended by section 65(2) and (3) of the Local Transport Act 2008 (c.26).

(b) 2000 c. 38.

(c) 1985 c. 67.

(d) S.I. 1986/1671.

“the 2000 Act” means the Transport Act 2000(a);

“operator” is to be construed in accordance with section 137(7) of the 1985 Act;

“relevant local transport authority” means, in relation to a local service, any Passenger Transport Executive or county, regional or islands council within whose area there will be a stopping place for the service;

“service” means a service operated [entirely or in part] within an Enhanced Partnership Area;

“traffic commissioner” means a commissioner appointed under section 4 of the Public Passenger Vehicles Act 1981; and

“working day” means a day which is not a Saturday or a Sunday, Christmas Day, Good Friday or a bank holiday under the Banking and Financial Dealings Act 1971(b) in any part of the United Kingdom.

(2) In these Regulations—

(a) a reference to a flexible service is a reference to a service—

- (i) which serves one or more local communities or neighbourhoods within a specific geographical area,
- (ii) which, while it may have fixed sections of route, is in the entirety of its operation so flexible that it is not practicable to identify in advance all the roads to be traversed at any given time,
- (iii) which is provided primarily for the purpose of carrying passengers who have booked in advance of the journey and whose collective requirements determine the route of each journey notwithstanding that other persons may also be travelling,
- (iv) all the seats of which are available for use by members of the general public, and
- (v) which is provided in consideration of the payment of individual passenger fares which are not subject to variation according to the number of passengers carried on the journey;

(b) a reference to a standard service is a reference to any other service.

PART 2

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Contents of notices given to traffic commissioners under section 138G(5)(c) or 138M(6)(c) of the 2000 Act

3.—(1) A notice under section 138G(5)(c) or 138M(6)(c) of the 2000 Act must include—

- (a) a description and map of the area of the scheme;
- (b) the individual registration number of, and particulars referred to in regulation 4 of the 1986 Regulations of, any service the operator operates that is registered with the traffic commissioner as one operating wholly within, or which enters into, the area to which the scheme as made or varied (as the case may be) relates, that information;
- (c) which, if any, services mentioned in sub-paragraph (b) are to be subject to a requirement imposed under section 138C(1) of the 2000 Act (frequency or timing of particular local services etc.) and, if so, which requirement or requirements;
- (d) which, if any, services mentioned in sub-paragraph (b) are to be subject to a requirement imposed under section 138C(3) of the 2000 Act (other requirements as to the standard of services) and, if so, which requirement or requirements;

(a)

(b) 1971 c. 80.

- (e) what action the operator must take to comply with any requirement mentioned in sub-paragraph (c) or (d) which relates to a service the operator operates;
- (f) the date from which any requirement mentioned in sub-paragraph (c) or (d) must be met;
- (g) the date on which the registration of a service not complying with any requirement mentioned in sub-paragraph (c) or (d) which relates to a service the operator operates will be cancelled; and
- (h) confirmation that the operator must, within 14 days of the notification being sent, declare to the local transport authority in writing whether the operator intends to continue to operate, after the date on which the scheme comes into operation, each of the services listed in the notification which it currently operates.

(2) A notice to a traffic commissioner under section 138G(5)(c) or 138M(6)(c) of the 2000 Act must contain sufficient information, including about any requirements specified under section 138A(5)(b) of the 2000 Act, to enable a traffic commissioner to determine—

- (a) whether a service registered with it complies with such requirements; and
- (b) whether an application to register or vary (as the case may be) a service will, if accepted, lead to a service complying with such requirements.

(3) A notice to a traffic commissioner under section 138G(5)(c) or 138M(6)(c) of the 2000 Act must contain confirmation that the making or varying (as the case may be) of the scheme will require operational changes to bus services operating within the area of the scheme.

(4) A notice to a traffic commissioner under section 138G(5)(c) or 138M(6)(c) of the 2000 Act may include a request that the traffic commissioner provide the local transport authority making the notification with the particulars of service registered under section 6 of the 1985 Act of all or specified services operating within the area of the scheme.

(5) Where a traffic commissioner receives a notice containing a request under paragraph (4) the traffic commissioner must comply with that request within 28 days of receiving that notice.

(6) Where the local transport authority receives information from the traffic commissioner under regulation 6(5) after it issues a notice under section 138G(5)(c) or 138M(6)(c) of the 2000 Act, on receipt of such information it must issue a further notice under that section with that information.

Further contents of notices given to traffic commissioners under section 138G(5)(c), 138I(5)(c), 138M(6)(c) or 138O(9)(c) of the 2000 Act

4. A notice to a traffic commissioner under sections 138G(5)(c), 138I(5)(c), 138M(6)(c) or 138O(9)(c) of the 2000 Act must—

- (a) contain an explanation of any new, or change to existing, requirements with which services must comply arising from the making, postponement, variation or revocation (as the case may be) of a scheme; and
- (b) confirm that the local transport authority making the notification is the local transport authority making the scheme;

Notifying the traffic commissioner whether route requirements exist

5. A notification under section 6G(2) of the 1985 Act must include, in relation to any service to which any route requirement specified by the scheme relates—

- (a) the name of the operator of the service;
- (b) the number of operator's public service vehicle operator's licence or community bus permit (except in circumstances in which, by virtue of any enactment, the operator is not required to hold such a licence or permit);
- (c) the date on which the service is to start;
- (d) where the service consists of excursions or tours—
 - (i) an outline of the route indicating the points, other than the starting point, where passengers will be taken up; and

- (ii) the maximum number of vehicle departures to be made on any one day;
- (e) the times during the year when the service will be provided;
- (f) the principal starting and finishing points of whether the service or variation is subject to a requirement imposed under section 138C(1) of the 2000 Act and, if so, which one or ones;
- (g) whether the service or variation is subject to a requirement imposed under section 138C(3) of the 2000 Act and, if so, which one or ones; and
- (h) where the service relates to a route requirement which relates to the timing or frequency of services—
 - (i) [details of]the route requirement; and
 - (ii) any changes to the timing or frequency of any existing service to which the scheme relates required as a result of the route requirement.

Notifying the Local Transport Authority with information relating to registered services where the relevant registration functions have been delegated

6.—(1) Where the relevant registration functions are to be delegated to a local transport authority by virtue of section 6G(4) or (7) of the 1985 Act, upon request by the local transport authority the traffic commissioner must provide the local transport authority the information specified in paragraph (2)—

- (a) where section 6G(4) applies, within 28 days of delegating the functions under section 6G(4)(a);
- (b) where section 6G(7) applies, within 28 days of receiving the notification specified in section 6G(6)(b).

(2) The information referred to in paragraph (1) is the following in relation to the registration under section 6 of the 1985 Act of any service operating wholly within the area to which the scheme relates—

- (a) the registration number; and
- (b) the particulars referred to in regulation 4 of the 1986 Regulations.

Notifying operators of the delegation of relevant registration functions

7.—(1) Within 14 days of receiving the information specified in regulation 6, the local transport authority must notify the operator of any service operating wholly within the area to which the scheme relates of the following—

- (a) that—
 - (i) the relevant registration functions have been delegated to the local transport authority; and
 - (ii) the local transport authority will be carrying them out;
- (b) the date from which any new application to register a service should be made to the local transport authority rather than the traffic commissioner together with how such applications are to be made.

Records of operation of services and publication of registration information

8.—(1) This regulation applies where the relevant registration functions of a traffic commissioner are carried out by a local transport authority in accordance with section 6G of the 1985 Act.

(2) The local transport authority must publish not less frequently than once a fortnight a statement which must include the following—

- (a) in respect of any registration under section 6 of the 1985 Act which has not been cancelled prior to publication, a notice containing—

- (i) the name and address of the person who made the application and the serial number allocated to the registration by the local transport authority;
 - (ii) the starting date of the service;
 - (iii) the terminal points of the service;
 - (iv) a description of the route by reference to the principal places served;
 - (v) an indication of the frequency of the service and of the days on which it will run; and
 - (vi) the types of vehicles to be used;
- (b) in respect of a variation or cancellation under section 6(7) of the 1985 Act of such a registration, a notice containing—
- (i) the name and address of the person who made the application and the serial number allocated to the registration by the local transport authority;
 - (ii) details of the variation in the registered particulars, or a statement of the cancellation of the registration; and
 - (iii) the effective date of the variation or cancellation.
- (3) A statement under paragraph (2)—
- (a) must be published on the local transport authority’s website; and
 - (b) must be made available upon reasonable request.

Keeping records

9. Where the relevant registration functions of a traffic commissioner are carried out by a local transport authority in accordance with section 6G of the 1985 Act, the local transport authority must keep a record of the prescribed particulars of all services registered under section 6 of the 1985 Act and of all variations and cancellations of such registrations.

Traffic Commissioner cancelling a service registration under section 6E(2) of the 1985 Act

10.—(1) This regulation applies where the relevant registration functions of a traffic commissioner are carried out by a traffic commissioner and have not been delegated in accordance with section 6G.

(2) Before cancelling the registration of a service under section 6E(2) of the 1985 Act, a traffic commissioner must send to the operator of the service and every relevant local transport authority a notice of intention to cancel.

(3) A notice of intention to cancel under paragraph (2) must contain at least the information specified in Part 1 of the Schedule.

(4) Within 10 working days of receiving a notice of intention to cancel under paragraph (2), an operator may send a notice of compliance regarding that service to the traffic commissioner and if it does so must also send the notice to every relevant local transport authority at the same time.

(5) A notice of compliance under paragraph (4) must contain at least the information specified in Part [2] of the Schedule.

(6) The traffic commissioner must send notification of a decision made under section 6E(2) of the 1985 Act on whether it will cancel the registration of a service to the operator of the service and the relevant local transport authority within 20 working days of—

- (a) sending a notice of intention to cancel that service; or
- (b) where the traffic commissioner holds an inquiry^(a) into the matter, the conclusion to that inquiry.

(7) For the purposes of paragraph (6) the conclusion to an inquiry is—

(a) The power for traffic commissioners to hold inquiries is prescribed in regulation 54 of the Public Passenger Vehicles Act 1981 (c. 14).

- (a) the last date on which a party to the inquiry may lodge an appeal against the outcome of the inquiry; or
- (b) where such an appeal is lodged, the announcement of the decision made in relation to that appeal.

(8) A notification under paragraph (6) must contain at least the information specified in Part [3] of the Schedule.

(9) Within 10 working days of sending a notification under paragraph (6), the traffic commissioner must publish it.

(10) A cancellation of the registration of a service under section 6E(2) must take effect on the first Monday after 28 days have elapsed from the date on which a section 6E(2) decision notification has been sent under paragraph (6).

(11) A cancellation of the registration of a service under section 6E(2) is to be postponed if a decision is appealed under section 6F(1) of the 1985 Act.

(12) If a decision to cancel the registration of a service is upheld following an appeal under section 6F(1) of the 1985 Act—

- (a) the traffic commissioner must send a revised decision notification to the operator and the local transport authority within [5 working] days of the date of the appeal being decided, stating whether it will cancel the registration of that service; and
- (b) if the revised decision notification sent under paragraph (a) states that the traffic commissioner will cancel the registration of the service, the cancellation must take effect on the first Monday after [5 working] days have elapsed from the date on which the notification is sent.

(13) A revised decision notification under paragraph (12) must contain at least the information specified in Part [3] of the Schedule.

(14) Within 10 working days of it sending a revised decision notification under paragraph (12), the traffic commissioner must publish it.

(15) A traffic commissioner may postpone the cancellation of the registration of the service under section 6E(2) of the 1985 Act for up to 56 days if the traffic commissioner receives a request to do so from the relevant local transport authority and the traffic commissioner is satisfied that it is necessary to do so to ensure the continuity of the service.

(16) A traffic commissioner may revoke a cancellation of the registration of the service under section 6E(2) of the 1985 Act if the traffic commissioner receives a request to do so from the relevant local transport authority and the traffic commissioner is satisfied that it is in the best interests of passengers to do so.

Local Transport Authority cancelling a service registration under section 6E(2) of the 1985 Act

11.—(1) This regulation applies where the relevant registration functions of a traffic commissioner are carried out by a local transport authority in accordance with section 6G.

(2) Before cancelling the registration of a service under section 6E(2) of the 1985 Act, a local transport authority must send to the operator of the service and every other relevant local transport authority a notice of intention to cancel.

(3) A notice of intention to cancel under paragraph (2) must contain at least the information specified in Part 1 of the Schedule.

(4) Within [10 working] days of receiving a notice of intention to cancel under paragraph (2), an operator may send a notice of compliance regarding that service to the local transport authority.

(5) A notice of compliance under paragraph (4) must contain at least the information specified in Part [2] of the Schedule.

(6) The local transport authority must send notification of a decision made under section 6E(2) of the 1985 Act on whether it will cancel the registration of a service to the operator of the service within [20 working] days of—

- (a) completing a notice of non-compliance relating to that service, or
 - (b) where the traffic commissioner holds an inquiry^(a) into the matter, the conclusion to that inquiry.
- (7) For the purposes of paragraph (6) the conclusion to an inquiry is—
- (a) the last date on which a party to the inquiry may lodge an appeal against the outcome of the inquiry; or
 - (b) where such an appeal is lodged, the announcement of the decision made in relation to that appeal.
- (8) A notification under paragraph (6) must contain at least the information specified in Part 3 of the Schedule.
- (9) Within 10 working days of sending a notification under paragraph (6), the local transport authority must publish it.
- (10) A cancellation of the registration of a service under section 6E(2) must take effect on the first Monday after 28 days have elapsed from the date on which a section 6E(2) decision notification has been sent under paragraph (6);
- (11) A cancellation of the registration of a service under section 6E(2) is to be postponed if a decision is appealed under section 6F(2) or (5) of the 1985 Act.
- (12) If a decision to cancel the registration of a service is upheld following an appeal under section 6F(2) or (5) of the 1985 Act—
- (a) the traffic commissioner must send a revised decision notification to the operator and the local transport authority within 5 working days of the date of the appeal being decided, stating whether it will cancel the registration of that service; and
 - (b) if the revised decision notification sent under paragraph (a) states that the traffic commissioner will cancel the registration of the service, the cancellation must take effect on the first Monday after 5 working days have elapsed from the date on which the notification is sent.
- (13) A revised decision notification under paragraph (12) must contain at least the information specified in Part 3 of the Schedule.
- (14) Within 10 working days of it sending a revised decision notification under paragraph (12), the local transport authority must publish it.
- (15) A local transport authority may postpone the cancellation of the registration of the service under section 6E(2) of the 1985 Act for up to 56 days if it is satisfied that it is necessary to do so to ensure the continuity of the service.
- (16) A local transport authority may revoke a cancellation of the registration of the service under section 6E(2) of the 1985 Act if it is satisfied that it is in the best interests of passengers to do so.

Traffic Commissioner cancelling a service registration under section 6E(3) or (4) of the 1985 Act

12.—(1) This regulation applies where the relevant registration functions of a traffic commissioner are carried out by a traffic commissioner and have not been delegated in accordance with section 6G.

(2) Before cancelling the registration of a service under section 6E(3) or (4) of the 1985 Act, a traffic commissioner must send to all the operators of services subject to the route requirement and every relevant local transport authority a notice of intention to cancel.

(3) A notice of intention to cancel under paragraph (2) must contain at least the information specified in Part 4 of the Schedule.

(a) The power for traffic commissioners to hold inquiries is prescribed in regulation 54 of the Public Passenger Vehicles Act 1981 (c. 14).

(4) Within 28 days of receiving a notice of intention to cancel under paragraph (2), an operator may send to the traffic commissioner a notice of compliance regarding that service and if it does so must also send the notice to every relevant local transport authority at the same time.

(5) A notice of compliance under paragraph (4) must contain at least the information specified in Part 5 of the Schedule.

(6) Within 28 days of receiving a notice of intention to cancel under paragraph (2), an authority may notify the traffic commissioner and operators of its preferred date for the cancellation of registration of the service, such date to be no earlier than the date specified in paragraph 4 of Part 4 of the Schedule.

(7) The traffic commissioner must notify the local transport authority and the operator of a decision under section 6E(3) or (4) on whether it will cancel the registration of a service within 10 working days of—

- (a) receiving any notice of compliance relating to that service; or
- (b) where the traffic commissioner holds an inquiry^(a) into the matter, the conclusion to that inquiry.

(8) For the purposes of paragraph (7) the conclusion to an inquiry is—

- (a) the last date on which a party to the inquiry may lodge an appeal against the outcome of the inquiry; or
- (b) where such an appeal is lodged, the announcement of the decision made in relation to that appeal.

(9) A notification under paragraph (7) must contain at least the information specified in Part 3 of the Schedule.

(10) Within 10 working days of sending a notification under paragraph (7), the traffic commissioner must publish it.

(11) Subject to paragraph (12) a cancellation of the registration of a service under section 6E(3) or (4) pursuant to paragraph (7) will take effect on whichever is the latter of—

- (a) the first Monday after 14 days have elapsed from the date on which a section 6E(3) or (4) decision notification has been sent under paragraph (7);
- (b) the local transport authority's preferred date for the cancellation of registration of the service under paragraph (6); or
- (c) the date upon which the service was due to commence operation.

(12) A cancellation of the registration of a service under section 6E(3) or (4) is to be postponed if an appeal is made under section 6F(1) of the 1985 Act.

(13) If a decision to cancel the registration of a service is upheld following an appeal under section 6F(1) of the 1985 Act, the traffic commissioner must send a revised decision notification to the operators and the local transport authority within 5 working days of the date of the appeal being decided, stating whether it will cancel the registration of that service.

(14) A revised decision notification under paragraph (13) must contain at least the information specified in Part 3 of the Schedule.

(15) A cancellation of the registration of a service under section 6E(3) or (4) pursuant to paragraph (13) will take effect on whichever is the latter of—

- (a) the first Monday after 14 days have elapsed from the date on which a revised decision notification has been sent under paragraph (13); or
- (b) the first Monday after 14 days added to the number of days difference between the date previously specified as the cancellation date (under paragraph 7) and any preferred cancellation date (as specified under paragraph (6)) have elapsed from the date on which

(a) The power for traffic commissioners to hold inquiries is prescribed in section 54 of the Public Passenger Vehicles Act 1981 (c. 14).

the operator receives notification of the outcome of the appeal mentioned in paragraph (12).

(16) A traffic commissioner may postpone the cancellation of the registration of the service under section 6E(3) or (4) of the 1985 Act for up to 182 days if the traffic commissioner receives a request to do so from an authority and the traffic commissioner is satisfied that it is necessary to do so to ensure the continuity of the service.

(17) A traffic commissioner may—

- (a) revoke a cancellation of the registration of the service under section 6E(3) or (4) of the 1985 Act; or
- (b) postpone a cancellation of the registration of the service under section 6E(3) or (4) of the 1985 Act for up to 56 days,

if the traffic commissioner receives a request to do so from an authority and the traffic commissioner is satisfied that there is no longer cause for the cancellation.

Local Transport Authority cancelling a service registration under section 6E(3) or (4) of the 1985 Act

13.—(1) This regulation applies where the relevant registration functions of a traffic commissioner are carried out by a local transport authority in accordance with section 6G.

(2) Before cancelling the registration of a service under section 6E(3) or (4) of the 1985 Act, a local transport authority must send to all the operators of services subject to the route requirement, and every other relevant local transport authority, a notice of intention to cancel.

(3) A notice of intention to cancel under paragraph (2) must contain at least the information specified in Part 4 of the Schedule.

(4) Within 28 days of receiving a notice of intention to cancel under paragraph (2), an operator may send to the local transport authority notice of compliance regarding that service.

(5) A notice of compliance under paragraph (4) must contain at least the information specified in Part 5 of the Schedule.

(6) Subject to paragraph (7), the local transport authority must notify the operators of—

- (a) a decision under section 6E(3) or (4) on whether it will cancel the registration of a service; and
- (b) the local transport authority's preferred date for the cancellation of registration of the service,

within [10 working] days of receiving any notice of compliance relating to that service, such date to be no earlier than the date specified in paragraph 4 of Part 4 of the Schedule.

(7) Where the traffic commissioner holds an inquiry into the matter, the notification under paragraph (6) must be made within 10 working days of the conclusion of the inquiry.

(8) For the purposes of paragraph (7) the conclusion to an inquiry is—

- (a) the last date on which a party to the inquiry may lodge an appeal against the outcome of the inquiry; or
- (b) where such an appeal is lodged, the announcement of the decision made in relation to that appeal.

(9) A notification under paragraph (6) must contain at least the information specified in Part 3 of the Schedule.

(10) Within 10 working days of sending a notification under paragraph (6), the local traffic authority must publish it.

(11) Subject to paragraph (12) a cancellation of the registration of a service under section 6E(3) or (4) pursuant to paragraph (6) will take effect on whichever is the latter of—

- (a) the first Monday after 14 days have elapsed from the date on which a section 6E(3) or (4) decision notification has been sent under paragraph (6);

- (b) the local transport authority's preferred date for the cancellation of registration of the service under paragraph (6); or
- (c) the date upon which the service was due to commence operation.

(12) A cancellation of the registration of a service under section 6E(3) or (4) is to be postponed if an appeal is made under section 6F(2) or (5) of the 1985 Act.

(13) If a decision to cancel the registration of a service is upheld following an appeal under section 6F(2) or (5) of the 1985 Act, the traffic commissioner upholding the decision must send a revised decision notification to the operators and the local transport authority within 5 working days of the date of the appeal being decided, stating whether it will cancel the registration of that service.

(14) A revised decision notification under paragraph (13) must contain at least the information specified in Part 3 of the Schedule.

(15) A cancellation of the registration of a service under section 6E(3) or (4) pursuant to paragraph (13) will take effect on whichever is the latter of—

- (a) the first Monday after 14 days have elapsed from the date on which a revised decision notification has been sent under paragraph (13); or
- (b) the first Monday after 14 days added to the number of days difference between the date previously specified as the cancellation date (under paragraph 8) and any preferred cancellation date (as specified under paragraph (6)) have elapsed from the date on which the operator receives notification of the outcome of the appeal mentioned in paragraph (11).

(16) The local transport authority may postpone the cancellation of the registration of the service under section 6E(3) or (4) of the 1985 Act for up to 182 days if the local transport authority is satisfied that it is necessary to do so to ensure the continuity of the service.

(17) The local transport authority may—

- (a) revoke a cancellation of the registration of the service under section 6E(3) or (4) of the 1985 Act; or
- (b) postpone a cancellation of the registration of the service under section 6E(3) or (4) of the 1985 Act for up to 56 days,

if the local transport authority is satisfied that there is no longer cause for the cancellation.

Application for registration or variation of a registration of a service where a traffic commissioner enforces a route requirement

14.—(1) This paragraph applies where a notice of cancellation is sent under regulation 10(6), 11(6), 12(7) or 13(6) and prior to cancellation of the service an application is made to—

- (a) register a service under regulation 3(1) of the 1986 Regulations; or
- (b) vary a service under regulation 3,

where the service would be subject to any operation requirement or route requirement (as the case may be) the non-compliance with which led to the notice of cancellation to be issued.

(2) Where—

- (a) paragraph (1) applies;
- (b) the application is made by an operator that received the notice of cancellation; and
- (c) implementation of the application would not cause compliance with all of the requirements mentioned in the notice of cancellation,

the traffic commissioner may not register the application.

(3) Where—

- (a) paragraph (1) applies;
- (b) the application is not made an operator that received the notice of cancellation; and

(c) implementation of the application would not cause compliance with all of the requirements mentioned in the notice of cancellation,
the traffic commissioner must revoke the cancellation.

(4) Where the traffic commissioner revokes the cancellation under paragraph (3) it must send a new notice of intention to cancel to—

- (a) all to whom it sent the notice of cancellation under regulation 10(6), 11(6), 12(7) or 13(6); and
- (b) the operator who made the application referred to in paragraph (1).

(5) Following a notice being sent under paragraph (4) where the original notice of cancellation was sent under—

- (a) regulation 10(6), regulation 10(7) to (16) applies;
- (b) regulation 11(6), regulation 11(7) to (16) applies;
- (c) regulation 12(7), regulation 12(8) to (17) applies;
- (d) regulation 13(6), regulation 13(8) to (17) applies.

Identification of lead authority

15.—(1) This regulation applies to any scheme that specifies requirements under section 138C of the 2000 Act and which is made, or is proposed to be made, by two or more authorities acting jointly.

(2) Where this regulation applies, the authorities referred to in paragraph (1) must specify in—

- (a) the notice of the proposed scheme given in accordance with section 138G(5) of the 2000 Act; and
- (b) any notice of variation given in accordance with section 138L of the 2000 Act,

which of them is to act as the lead authority for the purposes of these Regulations.

(3) Where this regulation applies, any references to a local transport authority in these Regulations should be read as a reference to the lead authority as specified in accordance with paragraph (2).

(4) Where this regulation applies, the relevant registration functions of a traffic commissioner under these Regulations are to be carried out by the lead authority.

(5) Where this regulation applies the lead authority must, before exercising powers in relation to any of the duties and responsibilities assigned by virtue of these Regulations—

- (a) consult and seek representations from, and
- (b) wherever appropriate, act in accordance with the representations of,

the other authority or other authorities by whom the scheme is made, or is proposed to be made, jointly with the lead authority.

Slot allocation contracts

16.—(1) Where a service registration is cancelled under section 6E(2), (3) or (4) of the 1985 Act, the local transport authority must issue an invitation for tenders for the award of a slot allocation contract.

(2) A slot allocation contract—

- (a) must require the person, legal entity or organisation awarded the contract to implement all route and operation requirements that the cancelled service was not meeting, [or could not meet];
- (b) must relate solely to the provision of services in the area of the relevant enhanced partnership scheme;

- (c) [must only include contractual obligations which have been subject to consultation with representatives of bus passengers in the area of the relevant enhanced partnership scheme];
- (d) must last—
 - (i) for no more than five years, or
 - (ii) until the relevant enhanced partnership scheme expires, whichever is earlier;
- (e) must be competitively procured except where regulation 17 applies;
- (f) must be procured using evaluation criteria of the description set out in paragraph (4) except where regulation 17 applies;
- (g) [money used for benefits and cost of procurement]
- (h) must require the services provided under that contract to begin immediately after the cancellation under section 6E(2), (3) or (4) has effect;
- (i) may not be awarded while a decision to cancel a service is subject to an appeal under section 6F(1) or (2) of the 1985 Act;
- (j) may not be awarded until at least 42 days after a notification of cancellation has been given under regulation 10(6), 11(6), 12(7), 13(6) or 14(4);
- (k) must specify the date from which the person awarded the contract is to provide services.

(3) For the purposes of this regulation, the “relevant enhanced partnership scheme” is the scheme the requirement or requirements of which the service that had its registration cancelled was not meeting or could not meet.

(4) For the purposes of paragraph (2)(f)—

- (a) the evaluation criteria must have been the subject of consultation with representatives of bus passengers in the area of the relevant enhanced partnership scheme;
- (b) a maximum of 33% of the evaluation criteria may relate to any monies to be paid to the local transport authority;
- (c) the evaluation criteria must include evaluation of—
 - (i) the quality of service being proposed;
 - (ii) the potential for competition to bring benefits to bus passengers in the area of the relevant enhanced partnership scheme;
 - (iii) the contribution that the service being proposed would provide to connectivity for bus passengers within the area of the relevant enhanced partnership scheme;
 - (iv) any other factors the local transport authority considers it necessary to take into account in order to further the objectives set out in the enhanced partnership plan for the relevant enhanced partnership scheme.

Slot allocation contracts: exceptions to competitive procurement

17.—(1) This regulation applies where a slot allocation is being procured at a time when an authority’s forecast expenditure for the current financial year does not exceed £600,000

(2) Subject to paragraphs (3), (4) and (5), where this regulation applies there are excluded from the requirement under regulation 16(2)(e) the following slot allocation contracts—

- (a) any slot allocation contract which will remain in force for less than 12 months and under which the aggregate amount of service subsidies does not exceed £29,999; and
- (b) any slot allocation contract which will remain in force for 12 months or more and under which—
 - (i) the aggregate amount of service subsidies payable during the period of 12 months starting on the date that the contract comes into force does not exceed £29,999, and

- (ii) the aggregate amount of service subsidies payable during any subsequent relevant year (or part of a year) it is in force cannot exceed £29,999.

(3) This regulation does not exclude from the requirement under regulation 16(2)(e) any slot allocation contract providing for an increase in the amount of service subsidies payable to be agreed between the parties or to be calculated by any method other than those mentioned in paragraph (3)(b) of this regulation.

(4) This regulation does not exclude from the requirement under regulation 16(2)(e) any slot allocation contract that will remain in force for a period exceeding 5 years.

(5) For the purposes of this regulation—

- (a) a “relevant year” is a period of 12 months commencing on an anniversary of the date on which the agreement came into force; and
- (b) the aggregate amount of service subsidies payable in any period under a slot allocation contract is to—
 - (i) include any specific amount whose payment is dependent on a contingency; and
 - (ii) exclude any amount payable at any time after the first period of 12 months during which the agreement is in force and which becomes payable—
 - (aa) as a direct consequence of an increase in an index published by the Government of movements in prices or costs; or
 - (bb) pursuant to any provision of the slot allocation contract whereby an increase in the amount of service subsidies payable is not to exceed a figure calculated by reference to such an index.

Slot allocation contracts: further provision

18.—(1) Where a local transport authority issues an invitation for tenders under regulation 16, [whether or not at short notice,] it must notify a transport commissioner within two working days.

(2) A notification under paragraph (1) must state—

- (a) the decision or decisions to cancel services which have required the local transport authority to issue an invitation for tenders.
- (b) the date the cancellation of service is to take effect;
- (c) the route [or operation] requirements that the person awarded the slot allocation contract will be required to implement;
- (d) the date on which the invitation to tender was issued;
- (e) the intended expiry date of the slot allocation contract.

(3) A notification given under paragraph (1) must be published in such a manner as the local transport authority sees fit.

(4) Where an application to vary or register the particulars of a service relating to one or more of the route requirements stated in a notification under paragraph (1) is received by a traffic commissioner—

- (a) after the invitation to tender was issued under regulation 16(1); and
- (b) before the date specified in paragraph (2)(b),

the service is to be cancelled with effect from the date specified in paragraph (2)(b).

(5) Where a traffic commissioner receives an application from an operator under paragraph (4), it must notify the operator within five working days—

- (a) that the application relates to a route requirement subject to a slot allocation contract; and
- (b) the date on which the service to be registered or varied will be cancelled.

(6) Where an operator receives the information specified in paragraph (5) it must notify the traffic commissioner within two working days of receiving that information, whether, nonetheless, it wishes the application for registration or variation to be considered.

(7) Where a cancellation is postponed under regulation 12(12), (17) or (18)(b) or 13(12), (16) or (17)(b) the traffic commissioner must notify the operator within two working days—

- (a) that the application relates to a route requirement subject to a slot allocation contract;
- (b) that the cancellation of the service to be registered or varied has been postponed; [and
- (c) the date to which the cancellation has been postponed].

(8) Where an operator receives the information specified in paragraph (7) it must notify the traffic commissioner within two working days of receiving that information, whether, nonetheless, it wishes the application for registration or variation to be considered.

(9) An application to register or vary the particulars of a service relating to one or more of the route requirements stated in a notification under paragraph (1) must be refused where it is made when the slot allocation contract is in operation.

Co-operation between traffic commissioners and local transport authorities

19.—(1) Where the registration functions of some but not all of the services to which a route requirement relates have been delegated by a traffic commissioner to a local transport authority under section 6G(4) or (7) of the 2017 Act, the traffic commissioner and local transport authority must co-operate with each other in the exercise of their respective functions.

(2) Where paragraph (1) applies and the traffic commissioner or local transport authority requests the other to provide information required for the effective exercise of the registration functions, such information must be provided within 10 working days of the request being made.

Extension of time

20.—(1) Where a traffic commissioner considers it to be necessary in order for a particular case to be dealt with fairly and justly, the traffic commissioner may extend any of the periods described in paragraph (3).

(2) A paragraph described in paragraph (3) may only be extended for such period as the traffic commissioner considers appropriate in the circumstances of the case.

(3) The periods are those referred to in—

- (a) regulation 3(5);
- (b) regulation 6(1);
- (c) regulation 10(9) and (14); and
- (d) regulation 12(7).

PART 3

Amendments to the Public Service Vehicles (Registration of Local Services) Regulations 1986

Amendments to the Public Service Vehicles (Registration of Local Services) Regulations 1986

21.—(1) The 1986 Regulations(a) are amended as follows.

(2) In regulation 3, after paragraph (5) insert—

“(6) Where the relevant registration functions of a traffic commissioner are carried out by a local transport authority in accordance with section 6G of the 1985 Act, paragraphs (7) to (9) apply.

(a) S.I. 1986/1671.

(7) A copy of an application for registration or for variation or cancellation of a registration must be sent by the local transport authority to that traffic commissioner no later than the date on which the application is made to the local transport authority.

(8) A traffic commissioner must within 14 days of [having accepted an application for registration or for the variation or cancellation of a registration] send notice of the date of the acceptance of the application to the applicant and to every relevant authority.”

(3) In regulation 9—

(a) in paragraph (2)(g) for “condition set out in paragraph (2A)” substitute “conditions set out in paragraph (2A) and, where the service subject to the application is within an area subject to an enhanced partnership scheme made under section 138A of the Transport Act 2000, paragraph (2B)”;

(b) in paragraph (2A) for “referred to in paragraph (2)(g)” substitute “in this paragraph”; and

(c) after paragraph (2A) insert—

“(2B) The condition in this paragraph is that the provision of additional vehicles would not breach any requirement under section 138C of the 2000 Act.”

(4) In regulation 9A, after paragraph (4) insert—

“(5) Where the relevant registration functions of a traffic commissioner are carried out by a local transport authority in accordance with section 6G of the 1985 Act, the local transport authority must send notice of the cancellation of any registration in accordance with this regulation to that traffic commissioner.”.

(5) After regulation 12 insert—

“Registration Fees

12A.—(1) This regulation applies where the relevant registration functions of a traffic commissioner are carried out by a local transport authority in accordance with section 6G of the 1985 Act.

(2) Subject to paragraphs (3) and (4) the local transport authority may charge a fee for an application to register, vary or cancel the registered particulars of a service.

(3) In determining the amount of any fee to be paid under paragraph (2) the local transport authority may recover only—

(a) staff costs incurred by it that are directly attributable to its service registration function;

(b) accommodation costs incurred by it that are directly attributable to its service registration function; and

(c) ancillary costs incurred by it that are directly attributable to its service registration function.

(4) No fee is payable—

(a) on an application to vary a service the only reason for which is to enable the operator of the service to comply with any provision made by or under an enactment prohibiting or restricting the use of any road by vehicular traffic;

(b) on an application to record a change in the operator's address.

(5) The fee to be paid under paragraph (2) must be paid when the application is made.”.

(6) In regulation 13(1), for “This regulation applies” substitute “Except where alternative requirements are made by an enhanced partnership scheme under section 138C(3) of the 2000 Act, this regulation applies”.

(7) In the Schedule, in part 1, after paragraph 5 insert—

“6. Whether the service or variation is subject to a requirement imposed under section 138C(1) of the 2000 Act and, if so, which one or ones.

7. Whether the service or variation is subject to a requirement imposed under section 138C(3) of the 2000 Act and, if so, which one or ones.”

PART 4

Review

Review

- 22.—(1) Before the end of the review period, the Secretary of State must—
- (a) carry out a review of these Regulations,
 - (b) set out the conclusions of the review in a report, and
 - (c) publish the report.
- (2) The report must in particular—
- (a) set out the objectives intended to be achieved by the regulatory system for applications in relation to the registration of local bus services established by these Regulations,
 - (b) assess the extent to which those objectives are achieved, and
 - (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.
- (3) “Review period” means the period of five years beginning with the day on which these Regulations come into force.

Signed by authority of the Secretary of State

Parliamentary Under Secretary of State
Department for Transport

Date

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 6 of the Transport Act 1985 requires that no local bus service may be operated unless the operator of the service has registered the prescribed particulars of that service with a traffic commissioner.

These Regulations set out the requirements relating to, and procedures to be followed by local transport authorities, bus operators and the traffic commissioner, where an enhanced partnership scheme is in place.

Regulations 3 and 4 set out the information which is to be included in the notice that a local transport authority or authorities must give to the traffic commissioner when an enhanced partnership plan or scheme is made or varied. This includes details relating to the area of the scheme, the services being operated, any requirements to which the services are subject and the date on which a service not complying with these requirements will be cancelled. The requirements in regulation 4 also apply to a notice given by a local transport authority or authorities to the traffic commissioner when an enhanced partnership plan or scheme is postponed or revoked.

Regulation 5 sets out the information which is to be included in the notice that a local authority or authorities must give the traffic commissioner as to whether or not an enhanced partnership scheme being made or varied specifies a route requirement. This includes details relating to the operator and the service, as well as any requirements to which the service may be subject.

Regulation 6 requires the traffic commissioner to provide, upon request, the local transport authority with information relating to registered services where the relevant registration functions

are to be delegated to that local transport authority. On receiving this information, regulation 7 requires the local transport authority to notify operators of the delegation of the relevant registration functions relating to services being operated wholly within the area to which the scheme relates.

Regulation 8 sets out the information a local transport authority, to which the relevant registration functions for an enhanced partnership scheme has been delegated, must include in a statement the local transport authority must publish at least once a fortnight in respect of the registered, varied or cancelled services.

Regulation 9 requires the local transport authority, to which the relevant registration functions for an enhanced partnership scheme has been delegated, to keep a record of the prescribed particulars of all services, variations and cancellations.

Regulation 10 sets out the process for cancelling the registration of a service where an operational requirement is not being complied with and the relevant registration functions have not been delegated. The traffic commissioner must send to the operator of the service and the relevant local authority or authorities a notice of intention to cancel. In response, the operator can send a notice of compliance to the traffic commissioner. The local transport authority must send to the operator, and also publish, a notification of its decision on whether or not to cancel to the service. If the decision is not appealed, the service will be cancelled. If the decision is appealed, the cancellation is postponed until the appeal is heard. The traffic commissioner may also postpone or revoke a cancellation on a request by the relevant local transport authority.

Regulation 11 sets out the process for cancelling the registration of a service where an operational requirement is not being complied with and the relevant registration functions have been delegated to a local transport authority. The local transport authority must send to the operator of the service a notice of intention to cancel. In response, the operator can send a notice of compliance to the traffic commissioner. The traffic commissioner must send to the operator, and also publish, a notification of its decision on whether or not to cancel to the service. If the decision is not appealed, the service will be cancelled. If the decision is appealed, the cancellation is postponed until the appeal is heard. The traffic commissioner may also postpone or revoke a cancellation on a request by the relevant local transport authority.

Regulation 12 sets out the process for cancelling the registration of a service where a route requirement is not being complied with and the relevant registration functions have not been delegated. The traffic commissioner must send to all the operators of services subject to the route requirement, and the relevant local authority or authorities, a notice of intention to cancel. In response, an operator can send a notice of compliance to the traffic commissioner and every relevant local transport authority. The local transport authority may notify the traffic commissioner and the operators of their preferred date of cancellation. The traffic commissioner must send to the local transport authority and the operators, and also publish, a notification of its decision on whether to cancel the service. If the decision is not appealed, the service will be cancelled. If the decision is appealed, the cancellation is postponed until the appeal is heard. The traffic commissioner may also postpone or revoke a cancellation on a request by the relevant local transport authority.

Regulation 13 sets out the process for cancelling the registration of a service where a route requirement is not being complied with and the relevant registration functions have not been delegated. The traffic commissioner must send to all the operators of services subject to the route requirement and the relevant local authority or authorities, and also publish, a notice of intention to cancel. In response, an operator can send a notice of compliance to the local transport authority. The local transport authority must notify the operators of its decision on whether cancel the service and also of its preferred date for cancellation of the service. If the decision is not appealed, the service will be cancelled. If the decision is appealed, the cancellation is postponed until the appeal is heard. The traffic commissioner may also postpone or revoke a cancellation on a request by the relevant local transport authority.

Regulation 14 sets out the process to be followed where an application has been made to register or vary a service which is subject to a notice of cancellation. The traffic commissioner may refuse

to register the application if it has been made by the operator that received the notice of cancellation. The traffic commissioner must revoke the cancellation if the application has not been made by the operator that received the notice of cancellation and send a new notice of intention to cancel to the original recipients, as well as the applicant.

Regulation 15 provides for the designation of a lead authority where an enhanced partnership covers more than one local authority area, with two or more local authorities acting jointly. Any reference to a local transport authority in these Regulations is to be read as a reference to the lead authority where one has been designated. The lead authority has a duty to consult with the other authorities when exercising the powers conferred by these Regulations.

Regulations 16 to 18 set out the process to be followed in tendering for services to replace those cancelled as a result of a failure to meet an operational or route requirement. Regulation 16 requires a local transport authority to issue an invitation for tenders for the award of a slot allocation contract. This regulation also sets out the relevant evaluation criteria for the procurement of such contracts. Regulation 17 sets out the circumstances in which a slot allocation contract is excluded from the requirement of a competitive procurement. Regulation 18 sets out the information which is to be included in the notice that a local transport authority must give to the traffic commissioner when it issues an invitation for tenders for a slot allocation contract. This includes details about the decision to cancel the service, the requirements which must be implemented and the dates of the tender and expiry of the slot allocation contract.

Regulation 19 requires cooperation between traffic commissioners and local transport authorities when exercising their respective functions and to exchange information within a prescribed time limit.

Regulation 20 provides for the extensions of the time period within which certain notifications must be provided.

Regulation 21 amends the Public Service Vehicles (Registration of Local Services) Regulation 1986 to provide for where relevant registration functions have been delegated to a local transport authority. This includes enabling a local transport authority to charge registration fees.

Regulation 22 requires the Secretary of State to carry out a review of these Regulations.

An impact assessment of the effect that this instrument will have on the costs of the private, public and voluntary sectors is available from the Buses and Taxis Division, Department for Transport, Great Minster House, 33 Horseferry Road, London SW1P 4DR (telephone 020 7944 5361) and is annexed to the Explanatory Memorandum that is available alongside the instrument on the UK legislation website at www.legislation.gov.uk. A copy of the assessment has been placed in the library of each House of Parliament.

SCHEDULE

PART 1

Minimum information to be included in a notice of intention to cancel a service under regulation 10(2) or 11(2)

1. Details of the operation requirement or requirements which the local transport authority considers are not being complied with.
2. The name and address of the operator of the service who the local transport authority considers is not complying with the requirement or requirements.
3. Any supporting evidence the local transport authority believes supports its consideration that the requirement or requirements are not being complied with.

PART 2

Minimum information to be included in a notice of compliance under regulation 10(4) or 11(5)

1. Details of the operation requirement or requirements which the operator believes it is complying with.
2. Any supporting evidence the operator believes supports its belief that the requirement or requirements are being complied with.

PART 3

Minimum information to be included in a notice containing a decision made under section 6E(2), (3) or (4) of the 1985 Act

1. Details of the operation requirement or requirements or route requirement or requirements regarding which the decision concerns.
2. The registration number of the service or services (as the case may be)
3. The name and address of the operator, and the registration of the particular service or services (as the case may be) the traffic commissioner considers is not complying with the operation requirement or requirements or route requirement or requirements (as the case may be).
4. The traffic commissioner's decision and the reasons for reaching that decision.
5. A list of the evidence upon which the traffic commissioner has relied in reaching its decision.
6. The date on which the cancellation, if any, is to take effect.

PART 4

[Minimum] information to be included in a notice of intention to cancel a service under regulation 12(2) and 13(2)

1. Details of the service or services intended to be cancelled including the operator or operators of the service or services.
2. Details of the route requirement or requirements that the traffic commissioner considers the service or services cannot be provided in accordance with.
3. The date by which the operator or operators must send any notice of compliance which it wishes the transport commissioner to consider in making its decision under section 6E(3) or (4) of the 1985 Act, such date to be 28 days after receiving the notice under regulation 12(2) or 13(2).
4. The earliest date on which the transport commissioner intends to cancel the registration, such date to be [] days after the sending of the notice under regulation 12(1).

PART 5

[Minimum] information to be included in a notice of compliance under regulation 12(3)

1. [Details of the route requirement or requirements that the operator believes the service or services will be provided in accordance with.]
2. Details of any relevant qualifying agreement made under Schedule 10 of the 2000 Act.

3. Details of any cancellations or variations made, or intended cancellations or variations to be made, by the operator under section 6(7) of the 1985 Act and the dates from which any such cancellations or variations are to have effect.