
SCOTTISH STATUTORY INSTRUMENTS

2001 No. 219

The Public Service Vehicles (Registration of Local Services) (Scotland) Regulations 2001

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Public Service Vehicles (Registration of Local Services) (Scotland) Regulations 2001 and shall come into force on 1st July 2001.

(2) These Regulations extend to Scotland only.

Interpretation

2.—(1) In these Regulations—

“the 1985 Act” means the Transport Act 1985;

“destination” means a word or words to describe the route or final destination;

“relevant authority” means, in relation to a local service, any Passenger Transport Authority or a local authority within whose area there will be a stopping place for the service;

“route number” means any number or combination of numbers and letters which designate a bus route; and

“week” means a period of 7 days beginning with a Monday.

(2) In these Regulations, the expressions listed in the left hand column of the table below have the meaning given by, or are to be interpreted in accordance with, the provisions listed in the right hand column of the table below.

<i>Expression</i>	<i>Provision of the 1985 Act</i>
“agreement providing for service subsidies”	section 63(10)(b)
“bus substitution service”	section 119(1)
“community bus service”	section 22(1)
“excursion or tour”	section 137(1)
“operator”	section 137(7)
“special licence”	section 12(2)
“traffic authority”	section 7(15)
“unconditional PSV operator’s licence”	section 6(5)

(3) In these Regulations, any reference to—

(a) a numbered regulation is a reference to the regulation bearing that number in these Regulations; and

(b) a numbered paragraph is a reference to the paragraph bearing that number in the regulation in which the reference appears.

Revocations and transitional provisions

3.—(1) Subject to paragraph (2), the Regulations set out in Schedule 2 are hereby revoked.

(2) Without prejudice to sections 16 or 17 of the Interpretation Act 1978⁽¹⁾ these Regulations apply only in relation to applications for registration or for the variation or cancellation of a registration received by the traffic commissioner on or after the date on which these Regulations come into force.

Applications for registration

4.—(1) The operator shall inform the relevant authority or authorities 14 days before making an application in terms of this regulation.

(2) An application for registration or for the variation or cancellation of a registration shall not be accepted by the traffic commissioner to whom it is made unless the applicant gives to the commissioner such information and in such form as the commissioner shall reasonably require in connection with the application.

(3) Without prejudice to the generality of paragraph (2), the traffic commissioner shall require the operator to provide such evidence as the commissioner considers reasonable to satisfy the commissioner that the requirement in paragraph (1) has been met.

(4) A copy of an application for registration or variation or cancellation of a registration shall be delivered or sent by the applicant to each relevant authority no later than the date on which the application is made to the traffic commissioner.

(5) The traffic commissioner shall send notice of the date of the acceptance by the commissioner of an application for registration or for the variation or cancellation of a registration to the applicant and to every relevant authority.

(6) The traffic commissioner shall from time to time consult operators and relevant authorities on the information and the form of the information that the commissioner may require under paragraph (2).

Prescribed particulars

5. The prescribed particulars of a service registered under section 6 of the 1985 Act are such of the particulars specified in Schedule 1 to these Regulations as are relevant to that service.

Periods of notice

6.—(1) Subject to regulations 7 and 8—

- (a) the period of notice prescribed for the purposes of section 6(3) of the 1985 Act shall be 56 days beginning with the date on which the traffic commissioner receives the application; and
- (b) the period mentioned in section 6(8)(a) of that Act shall end with the last day of the period of notice prescribed in sub-paragraph (a) above.

(2) Where an operator has applied to the traffic commissioner to vary or cancel a registration under section 6(7) of that Act the operator shall, for the period of 21 days ending with the day before the day on which the variation or cancellation has effect, display in each vehicle provided under the relevant service, a notice informing passengers that such an application has been made and where information on the variation or cancellation can be obtained.

(3) In this regulation “relevant service” means any service which would be varied or cancelled by virtue of an application referred to in paragraph (2).

(1) 1978 c. 30.

- 7.—(1) In the cases specified in paragraph (2);
- (a) section 6(2) of the 1985 Act, where it applies, shall have effect as if for the reference in section 6(2)(b) to the period of notice there were substituted a reference to such period as the traffic commissioner may determine; and
 - (b) section 6(8) of the 1985 Act where it applies, shall have effect as if for the reference in section 6(8)(a) to the date on which the period mentioned in that paragraph is to expire there were substituted a reference to such date as the traffic commissioner may determine.
- (2) The cases referred to in paragraph (1) are as follows:
- (a) where an operator applies to register or vary a registration with respect to a service or part of a service which will be substantially similar to and replace a service or part of a service which that operator or another operator has ceased or is ceasing to operate;
 - (b) where an operator applies to vary or cancel the registration of a service which is either not available to members of the general public or not regularly used by them;
 - (c) where an operator applies to vary or cancel the registration of a service in response to representations from a person authorised by either a traffic authority or a chief officer of police on a matter concerning road traffic regulation or road safety;
 - (d) where an operator applies to register particulars of a new service, or vary the registration to augment an existing service, in order to provide the new or augmented service for a period not exceeding 21 days, in connection with a specified event or occasion which will cause an additional demand for a service;
 - (e) where an operator applies to vary the registration so as to vary or suspend a service during a period not exceeding 14 days in response to holidays taken by a substantial proportion of the population in that locality;
 - (f) where an operator, due to circumstances which the operator could not reasonably have foreseen, failed to make an application in sufficient time for the period of notice applicable apart from this sub-paragraph to operate;
 - (g) where an operator applies to register or vary a registration with respect to a service or part of a service in order to meet an urgent and exceptional public passenger transport requirement.

8.—(1) In the cases specified in paragraph (2), subsection (3) of section 6 of the 1985 Act, where it applies, shall be modified to exclude the reference to the prescribed period, and subsection (8) of that section, where it applies, shall be modified to exclude the requirement of the expiry of a period.

- (2) The cases referred to in paragraph (1) are as follows:—
- (a) where the service in question is a bus substitution service; and
 - (b) where the registration is varied only to enable the service to comply with traffic regulation conditions or any other provision made by or under any enactment prohibiting or restricting the use of any road by traffic.

Variations of registered services

9.—(1) A registered service may be varied without variation of the registration in the cases specified in paragraph (2).

- (2) The cases referred to in paragraph (1) are as follows:—
- (a) the route of any service may be varied to the extent required to comply with any temporary prohibition or restriction of the use of any road by traffic by or under any enactment or with any direction by a constable;

- (b) a service which is provided by an education authority primarily to transport pupils to school may be varied temporarily so far as may be necessary to enable that authority to comply with its duty to provide such transport;
- (c) a service may, if the condition set out in paragraph (3) is satisfied, be varied by the provision of additional vehicles which—
 - (i) are operated over any part of the route of the service; and
 - (ii) are operated as closely as possible to the timings in the registered timetable.

(3) The condition referred to in paragraph (2)(c) is that the operator of the service has reasonable grounds to believe that, owing to special circumstances, the number of vehicles normally required to provide the service would, at the time the additional vehicles are to be provided, be insufficient to carry all persons wishing to travel on the service or to provide the service in accordance with the registered timetable.

Discontinued services

10.—(1) Subject to paragraphs (2) and (3), when the traffic commissioner is satisfied that a service is no longer being provided by the person who registered it, the commissioner shall cancel the registration of that service.

- (2) The traffic commissioner shall not cancel a registration—
 - (a) without first sending by post a notice in writing of the commissioner’s intention to do so to the person mentioned in paragraph (1) at that person’s usual or last known address, or in the case of a company to its registered office;
 - (b) without first sending by post a copy of the notice mentioned in subparagraph (a) above to the relevant authority;
 - (c) until a period of 28 days beginning with the date on which the commissioner sent the notice has elapsed.

(3) Paragraph (2) shall not apply if it appears to the traffic commissioner that the person mentioned in paragraph (1) has died (or, in the case of a company or partnership, has been dissolved) or no longer holds an unconditional PSV operator’s licence.

(4) The traffic commissioner shall send to every relevant authority notice of the cancellation of any registration in accordance with this regulation.

Excursions and Tours

11. Section 6 of the 1985 Act shall not apply to services which are excursions or tours except to any services operated at least once a week for a period of at least 6 consecutive weeks.

Compliance with traffic regulation conditions etc.

12. The prescribed period for the purposes of section 8(6) of the 1985 Act (during which failure to operate a service in accordance with the registered particulars is disregarded in specified circumstances) shall be 28 days.

Fees

- 13.**—(1) The fee for an application to register particulars of—
 - (a) a community bus service other than a service provided under an agreement providing for service subsidies shall be £10; and
 - (b) a service in any other case shall be £38.

- (2) Subject to paragraph (3), the fee for an application to vary the registered particulars of—
- (a) a community bus service other than a service provided under an agreement providing for service subsidies shall be £10; and
 - (b) a service in any other case shall be £38.
- (3) No fee shall be payable on an application to vary a service the variation of which is required to enable the service to comply with any traffic regulation conditions or other provision made by or under any enactment prohibiting or restricting the use of any road by traffic.
- (4) The fee for an application shall be paid when the application is made.

Fare tables, timetables and destination and route number notices

- 14.**—(1) Subject to paragraph (2), the operator shall, during such time as a vehicle is being used to provide a service, cause—
- (a) to be displayed in the vehicle in a manner clearly legible to passengers, or to be available in the vehicle to passengers on request—
 - (i) a fare table containing sufficient information to enable any passenger to ascertain the fare for their journey or the manner in which that fare is computed, and
 - (ii) a timetable containing the information required by paragraph 9 of the Schedule to these Regulations;
 - (b) to be displayed a notice, clearly legible from the exterior of the vehicle, indicating the destination and the route number.
- (2) This regulation shall not apply to a vehicle being used to provide an excursion or tour.

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