

POLICY NOTE

THE PUBLIC SERVICE VEHICLES (REGISTRATION OF LOCAL SERVICES) (SCOTLAND) AMENDMENT REGULATIONS 2015

SSI 2015/420

1. The above instrument is made in exercise of powers conferred by sections 6(2)(a), (3)(a), (8)(a) and (9) of the Transport Act 1985 and by section 60(1), (1A) and (2) and is subject to the negative procedure.
2. Regulations 4 and 6 of The Public Service Vehicles (Registration of Local Services) (Scotland) Regulations 2001 (“the 2001 Regulations”; SSI 2001/219) provide for the term of the pre-registration notification period and the period of notice for bus service registrations in Scotland in terms of section 6(3) of the Transport Act 1985.
3. This instrument amends the 2001 Regulations by changing the pre-registration notification period and the period of notice for all new bus service registration applications.

Policy Objectives

4. Under the Transport Act 1985 local bus services in Scotland must be registered with, and are regulated by, the Traffic Commissioner for the Scottish Traffic Area. Section 2 defines the meaning of local services and section 6 sets out the registration requirement.
5. Registered services are subject to a regulatory regime administered by the Traffic Commissioner which aims to ensure the delivery of services to the proposed standard. The regime helps provide an important element of stability in the local bus network and facilitates the timely provision of information to bus users and others affected by planned changes in services by giving advance notice of changes, which allows local transport authorities (LTAs) to consider whether to take action to avoid potential adverse consequences of proposed changes.
6. The details of local bus services are required to be registered with the Traffic Commissioner before they come into operation and the Commissioner has powers to act against operators if services are not being operated as registered.
7. The general policy objective of these Regulations is to offer LTAs the opportunity to better manage the effects of planned bus service changes, including new services and withdrawal of services on the transport network, with the ultimate aim of providing greater certainty and information to bus users and potential new users.
8. The increase in the pre-registration notification period to up to 28 days will allow more time for meaningful discussion between LTAs and bus operators in the run up to service changes, allowing both parties time to plan accordingly to minimise any disruption or seek alternative options.

9. The corresponding decrease in the registration period of notice from 56 to 42 days will retain the overall timescale of a maximum of 70 days between notification and service change.

10. The Scottish Government will issue guidance at the time these Regulations come into effect setting out how the additional time allocated to pre-registration notification might profitably be used by LTAs and bus service operators when considering the effects of proposed bus service changes.

Consultation

11. A twelve week public consultation took place between 1 August and 24 October 2014. The consultation period was then extended by two weeks to 7 November in order to allow late submissions.

12. Following the consultation, a series of meetings were held with stakeholder groups and representatives in 2015 to discuss the proposed changes and their intended effects.

Impact Assessments

13. There are no equality impact issues. The bus service registration regime affects bus operators, local and regional transport authorities and the Traffic Commissioner for Scotland. From the perspective of bus users, there will be no change.

14. A Business Regulatory Impact Assessment has been completed and is attached. The proposed changes are not expected to have any significant impact on costs, will not impact significantly more on some bus operators than others nor will they restrict new entrants to the market.

Date of implementation

15. These amending new regulations will come into force on 31st January 2016. They contain savings provision, preserving the effect of the preceding law as regards applications notified before that date.

Scottish Government

Transport Scotland

December 2015