

2004 No. 10

**PUBLIC PASSENGER TRANSPORT, ENGLAND
AND WALES**

**The Public Service Vehicles (Registration of Local Services)
(Amendment) (England and Wales) Regulations 2004**

<i>Made</i> - - - - -	<i>19th January 2004</i>
<i>Laid before Parliament</i>	<i>21st January 2004</i>
<i>Coming into force</i> - -	<i>23rd February 2004</i>

The Secretary of State for Transport, in exercise of the powers conferred by section 60(1) and (1A) of the Public Passenger Vehicles Act 1981(a) and section 6(2), (3), (8) and (9) of the Transport Act 1985, and after consultation with representative organisations in accordance with section 61(2) of the Public Passenger Vehicles Act 1981, hereby makes the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Public Service Vehicles (Registration of Local Services) (Amendment) (England and Wales) Regulations 2004 and shall come into force on 23rd February 2004.

(2) These Regulations extend to England and Wales only(b).

Amendment of the principal Regulations

2.—(1) The Public Service Vehicles (Registration of Local Services) Regulations 1986(c) (“the principal Regulations”) are amended as provided in regulations 3 to 12.

(2) A reference in regulations 3 to 12 below to a regulation or schedule is a reference to a regulation of, or schedule to, the principal Regulations.

Amendment of interpretation provisions

3.—(1) Regulation 2 (interpretation) is amended as provided in this regulation.

(a) 1981 c. 14 (in the footnotes called “the 1981 Act”). In section 60: subsection (1) was amended by the Transport Act 1985 (c. 67, in the footnotes called “the 1985 Act”), sections 134(2) and 139, Schedule 7, paragraph 21(9), and Schedule 8, and by the Deregulation and Contracting Out Act 1994 (c. 40), section 66(5), and subsection (1A) was inserted by the 1985 Act, section 134(1). Section 61(2) was amended by the 1985 Act, section 139 and Schedule 8. By virtue of sections 134(1) and 135(1) of the 1985 Act, sections 60 and 61 of the 1981 Act have effect as if Parts I and II of the 1985 Act were contained in the 1981 Act. For the definition of “prescribed” see section 60(2) of the 1981 Act as amended by the 1985 Act, section 134(2).

(b) Competence to make regulations in respect of Scotland has been devolved by virtue of section 53 of the Scotland Act 1998 (c. 46).

(c) S.I. 1986/1671. The relevant amendments are by S.I. 1988/1879, 1989/1064, 2002/182 and 2002/2536.

- (2) In paragraph (1), after the definition of “bank holiday”, there is inserted—
 ““bus substitution service” has the meaning given by section 45(2)(b) of the Railways Act 1993(a);
 “fixed stopping place” means a stopping place at a fixed location;”.
- (3) In the Table in paragraph (2), item 2 is omitted.
- (4) After paragraph (2), there is inserted—
 “(2A) 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.”

Amendment of the requirements for applications

4. For paragraphs (1) and (2) of regulation 3 (applications for registration) there are substituted—

- “(1) Subject to paragraph (2), an application for registration of particulars of a service the area of operation of which covers more than one traffic area shall be made—
 (a) in the case of a standard service, to the traffic commissioner for the area in which the service will start, and
 (b) in the case of a flexible service, at the discretion of the operator either to the traffic commissioner for the area in which the greater part of the registered area of its operation is situated or to the traffic commissioner for the area in which the greater number of fixed stopping places are situated.

(2) An application for registration of particulars of a service the area of operation of which lies partly inside Greater London (and which, by virtue of sections 178(2) and 185(1) of the Greater London Authority Act 1999(b) requires a London service permit in respect of that part) shall be made to the traffic commissioner for the South-Eastern and Metropolitan Traffic Area”(c).

Amendment of prescribed particulars

5.—(1) For regulation 4 (prescribed particulars) there is substituted—

- “**4.** The following particulars are prescribed for the purposes of section 6(2)(a) of the 1985 Act—
 (a) in the case of every service, the particulars specified in Part 1 of the Schedule;
 (b) in the case of a standard service, the further particulars specified in Part 2 of the Schedule;

(a) 1993 c. 43. Section 45(2)(b) was amended by the Transport Act 2000 (c. 38), sections 215(1) and 252, and by Schedule 16, paragraphs 8 and 29, and Schedule 27, paragraphs 17 and 27, to that Act.

(b) 1999 c. 29.

(c) As to the creation of the South-Eastern and Metropolitan Traffic Area see the Traffic Areas (Reorganisation) Order 1990 (S.I. 1991/288).

- (c) in the case of a flexible service, the further particulars specified in Part 3 of the Schedule.”
- (2) For the Schedule (particulars of the service) there is substituted the Schedule hereto.

Amendment of general notice periods

6. For regulation 5 (periods of notice) there is substituted—
- “5.—(1) Subject to regulations 7 and 8, the period of notice prescribed for the purpose of section 6(3) of the 1985 Act(a) is—
- (a) in the case of a community bus service, 28 days commencing on the date on which the traffic commissioner accepts the application, and
 - (b) in the case of any other service, 56 days commencing on the date on which the traffic commissioner accepts the application.
- (2) Subject to regulations 7 and 8, the period mentioned in section 6(8)(a) of the 1985 Act ends—
- (a) in the case of a community bus service, on the date which is the last day of the period of 28 days commencing on the date on which the traffic commissioner accepts the application, and
 - (b) in the case of any other service, on the date which is the last day of the period of 56 days commencing on the date on which the traffic commissioner accepts the application.”

Amendment of regulation 7 (alteration of notice periods at a traffic commissioner’s discretion)

7. In regulation 7(2)(b), for “service” there is substituted “standard service”.

Amendment of regulation 8 (exclusions from notice requirements)

8. In regulation 8, for paragraph (2) there is substituted—
- “(2) The cases referred to in paragraph (1) are cases—
- (a) where the registration is varied only to enable the operator of the service to comply with a traffic regulation condition or any other provision made by or under an enactment prohibiting or restricting the use of any road by vehicular traffic;
 - (b) where the registration is varied only in respect of a change in the operator’s address;
 - (c) where the service is a bus substitution service;
 - (d) where—
 - (i) an application is made for registration of a service which, except for the operation of section 179(2) of the Greater London Authority Act 1999, would be part of a service which requires a London service permit,
 - (ii) an application for a London service permit is made at the same time, and
 - (iii) the service to be registered will not commence before the grant of the permit.”

Spent provision in regulation 9 (minor variations of registered services)

9. Regulation 9(2)(e) is omitted.

Fees

10. For regulation 12(3) (applications on which no fee is payable) there is substituted—
- “(3) No fee shall be payable—
- (a) on an application to register or vary particulars of a service which, except for the operation of section 179(2) of the Greater London Authority Act 1999, would be part of a service which requires a London service permit;
 - (b) on an application to vary a service the only reason for which is to enable the

(a) I.e. the Transport Act 1985.

- operator of the service to comply with a traffic regulation condition or any other provision made by or under an enactment prohibiting or restricting the use of any road by vehicular traffic;
- (c) on an application to record a change in the operator's address”.

Amendment of requirements to display service information

11. For regulation 13 there is substituted—

“Display of service information in and on vehicles

13.—(1) This regulation applies to every vehicle except a vehicle being used—

- (a) under a special licence, or
- (b) to provide an excursion or tour.

(2) While a vehicle is being used to provide a standard service, the operator shall either display inside the vehicle in a manner clearly legible to passengers or have available on the vehicle for passengers who request them—

- (a) a fare table containing sufficient information to enable a passenger to ascertain without difficulty the fare for his journey, and
- (b) a timetable containing at least the information specified in paragraph 5 of Part 1 and paragraph 3(b) of Part 2 of the Schedule.

(3) While a vehicle is being used to provide a flexible service, the operator shall display inside the vehicle information about fares (whether in the form of a fare table or otherwise) which is both clearly legible to passengers and is formulated in such a manner that a passenger may ascertain the fare for his journey without difficulty.

(4) While a vehicle is being used to provide a standard service, the operator shall display in a position clearly legible from the outside of the vehicle—

- (a) a notice indicating the destination or, as the case may be, the route of the service, and
- (b) either the service number or the name by which it is known.

(5) While a vehicle is being used to provide a flexible service, the operator shall display in a position clearly legible from the outside of the vehicle the name by which the service is known.

Information about flexible services

14. The operator of a flexible service shall make available, in any reasonably accessible form, to all persons who may wish to use the service—

- (a) details of the nature of the service, including at least—
 - (i) a description of the area of its operation, and
 - (ii) a statement setting out the features mentioned in regulation 2(2A)(a)(iii) and (iv),
- (b) information about fares formulated in such a manner (whether as a table of fares or otherwise) that a person may ascertain the fare for his journey without difficulty, and
- (c) the information specified in paragraphs 5, 6 and 7 of Part 3 of the Schedule.”

Service records

12. There is inserted at the end—

“Records of operation of flexible services

15.—(1) Where so required by a traffic commissioner (whether at the time of registration of the service or later) the operator of a flexible service shall record and maintain, in any reasonably accessible form, the following information (“the specified information”) in respect of every journey made by a vehicle operating the service—

- (a) the date the journey was made,
- (b) the names of all passengers who were booked to travel (whether or not they actually travelled) and details of how each such passenger may be contacted,

- (c) the time when and place where it was agreed or otherwise determined that each passenger who travelled should be taken up and set down, and
- (d) the actual time and place at which each passenger was taken up and set down.

(2) The operator shall keep the specified information for a period of one year after the relevant journey was made or for such longer period as a traffic commissioner may specify for the purpose of enabling him to perform his functions under any enactment.

(3) When reasonably required to do so by a traffic commissioner (or by one of his officers or servants) in connection with the performance of such functions the operator shall produce, or make available for inspection, any part of the specified information.

(4) An operator may, instead of recording and maintaining the specified information himself, cause it to be recorded and maintained by another person on his behalf and in such a case that other person shall be under the duties imposed on the operator by paragraphs (2) and (3) above.”

Transitional provisions

13.—(1) This regulation applies in relation to a service (the “current service”) which, immediately before the date on which these Regulations come into force, is registered under section 6 of the Transport Act 1985(a) in accordance with the provisions of the principal Regulations in force at that time.

(2) Where this regulation applies, until the date specified in paragraph (3)—

- (a) the principal Regulations shall have effect as amended by these Regulations, but as if the provisions hereof specified in paragraph (5) were omitted, and
- (b) the current service may be operated, or continue to be operated, in accordance with the principal Regulations as so amended.

(3) The date referred to is the date on which the first variation of the registration after the coming into force of these Regulations becomes effective under section 6(8) of the Transport Act 1985.

(4) For the purposes of paragraph (3), a variation made in any of the circumstances described in regulations 7(2) and 8(2)(c) of the principal Regulations (as they have effect in relation to a current service) shall be ignored.

(5) The provisions referred to in paragraph (2)(a) are—

- (a) regulation 3(4),
- (b) in regulation 4—
 - (i) the words “in the case of a standard service,” in the substituted regulation 3(1)(a), and
 - (ii) the substituted regulation 3(1)(b),
- (c) regulations 5, 7, 11 and 12 (and the reference to them in regulation 2(1)) and the Schedule,
- (d) in regulation 8, the substituted regulation 8(2)(b), and
- (e) in regulation 10, the substituted regulation 12(3)(c).

Signed by authority of the Secretary of State

Tony McNulty
Parliamentary Under Secretary of State,
Department for Transport

19th January 2004

(a) 1985 c. 67.

SUBSTITUTED SCHEDULE TO THE PRINCIPAL REGULATIONS

“SCHEDULE

PART 1

Particulars applicable to all services

1. The name of the operator of the service.
2. The number of his public service vehicle operator’s licence or community bus permit (save where, by virtue of any enactment, he is not required to hold such a licence or permit).
3. The date on which the service is to start.
4. The service number or, if it has no number, the name by which it is to be known.
5. The times during the year when the service will be provided.

PART 2

Further particulars applicable to standard services only

1. The principal starting and finishing points of the service.
2. A statement of whether the service consists of excursions or tours.
3. If the service does not consist of excursions or tours—
 - (a) a description of the route, including details of alternative sections of route where it may be modified for the purpose of particular journeys, which is sufficient to identify the roads to be traversed, together with a map of a scale not smaller than 1:50,000 showing those roads,
 - (b) a timetable for the service indicating the proposed times (on the days when the service is to run) of individual services at principal points on the route, save where the service interval is 10 minutes or less when a statement of that fact may be given, and
 - (c) an indication of the stopping places where the vehicles used on the service will stand for longer than the time required to pick up or set down passengers.
4. If the service does consist of excursions or tours—
 - (a) an outline of the route indicating the points, other than the starting point, where passengers will be taken up, and
 - (b) the maximum number of vehicle departures to be made on any one day.
5. Details of stopping arrangements, including (in appropriate cases)—
 - (a) details of whether all the marked or generally recognised stopping places on the route will be used habitually and, if not, what the stopping arrangements at those places will be, and
 - (b) details of any sections of the route where passengers will be taken up and set down upon signalling their wishes to the driver of the vehicle.
6. A description of any reversing and other manoeuvres which will result in a vehicle returning along part of its route.

PART 3

Further particulars applicable to flexible services

1. The address of the operator of the service.
2. A description of the area of operation of the service, accompanied by a map of a scale not smaller than 1:50,000 showing the sections of flexible operation and fixed sections of route (if any).
3. Details of any fixed stopping places and the stopping arrangements at those places (including whether all the specified fixed stopping places will be in use at all operating times and, if not, what the stopping arrangements will be at those places).
4. An indication of any fixed stopping places where the vehicles used on the service may or will stand for longer than the time required to pick up or set down passengers.
5. The terms on which, and the methods by which, journeys may be booked, including—
 - (a) the times when a booking for a particular journey may be made,
 - (b) the means of identifying where a passenger may be taken up or set down otherwise than at fixed stopping places, and

- (c) whether the travel demands of every prospective passenger will be met and, if not, what arrangements (if any) will be made where a person's demands cannot be met.
6. Subject to paragraph 7, the timing of the service, including—
- (a) in the case of a service having fixed stopping places on its route, a timetable indicating the proposed times (on the days when the service is to run) of individual services at those stopping places, and
 - (b) in every case, the means of determining the time at which a passenger may be taken up or set down in the sections of flexible operation.
7. Where it is impracticable to specify an exact time of arrival at, or departure from, a fixed stopping place or other point within the area of operation, a time window (that is to say a period of time during which a vehicle is intended to arrive/depart) may be specified instead, the time window to be of an appropriate length but not longer than 20 minutes unless the traffic commissioner is satisfied in an exceptional case that it is reasonable for a longer period to be allowed.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Public Service Vehicles (Registration of Local Services) Regulations 1986 by:—

- (a) prescribing new particulars which must be registered before a local service may be provided and specifying two classes of service, standard and flexible, for that purpose (*regulations 3, 5 and the Schedule*);
- (b) amending the requirements for applications to register particulars of a service (*regulation 4*);
- (c) reducing the notice period for community bus services to 28 days and making minor amendments to the provisions about notice periods and minor service variations (*regulations 6, 7 and 8*);
- (d) making new provision for the display of service information in and on vehicles and the publication of information about flexible services (*regulation 11*);
- (e) imposing requirements as to the records which must be kept about the operation of flexible services (*regulation 12*);
- (f) making minor and consequential amendments and revoking spent provisions.

The Regulations also contain transitional provisions to preserve the validity of an existing registration until such time as an application made to vary the registration takes effect. There are some exceptions to that rule (*regulation 13*).

A Regulatory Impact Assessment covering these Regulations and the contemporaneous Bus Service Operators Grant (Amendment) (England) Regulations 2004 has been prepared and copies may be obtained from the Buses and Taxis Division of the Department for Transport, Zone 3/13, Great Minster House, 76 Marsham Street, London SW1P 4DR (telephone number 020 7944 2275) or viewed on the Department's website, www.dft.gov.uk. A copy has been placed in the libraries of both Houses of Parliament.

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