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STATUTORY INSTRUMENTS

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**2013 No. 2100**

**PUBLIC PASSENGER TRANSPORT, ENGLAND**

**The Bus Service Operators Grant  
(England) (Amendment) Regulations 2013**

<i>Made</i>	- - - -	<i>20th August 2013</i>
<i>Laid before Parliament</i>		<i>29th August 2013</i>
<i>Coming into force</i>	- -	<i>1st October 2013</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 154(5) and 160(1) of the Transport Act 2000<sup>(1)</sup> and section 14A of the Interpretation Act 1978<sup>(2)</sup>.

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Bus Service Operators Grant (England) (Amendment) Regulations 2013.

- (2) They come into force on 1st October 2013.
- (3) These Regulations extend to England only.

**Amendment of regulations**

2.—(1) The Bus Service Operators Grant (England) Regulations 2002<sup>(3)</sup> are amended as follows.

(2) In regulation 2—

(a) after the definition “disabled person” insert—

““emergency service” means a service urgently required for the purpose of—

- (a) maintaining an existing service;
- (b) securing the provision of a service in place of a service which has ceased to operate; or
- (c) securing the provision of a service to meet any public transport requirement which has arisen unexpectedly;”;

(b) before the definition “local service” insert—

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(1) 2000 c.38.

(2) 1978 c.30. Section 14A was inserted by the Enterprise and Regulatory Reform Act 2013 (c.24), section 59(1) and (2).

(3) S.I. 2002/1015; relevant amending instructions are S.I. 2004/9 and S.I. 2010/1172.

““local authority service” means a service that is administered and run by a relevant local authority under a permit granted under section 19 of the Transport Act 1985<sup>(4)</sup> using only local authority staff;”;

(c) after the definition “local service” insert—

““London franchised service” means a service provided by Transport for London or any of its subsidiaries, or by any other person other than a not for profit section 19 operator in pursuance of an agreement entered into by Transport for London or any of its subsidiaries under section 156(2) of the Greater London Authority Act 1999<sup>(5)</sup>;

“not for profit section 19 operator” means an undertaking, operating a local service under a permit granted under section 19 of the Transport Act 1985, whose purpose is not to carry on business for gain;”;

(d) after the definition “public passenger transport services” insert—

““rail replacement service” means a service for the carriage of passengers by road provided temporarily in place of the whole or a part of any service for the carriage of passengers by railway that has been temporarily discontinued, reduced or modified;

“railway” has the meaning described as the “wider meaning” in section 81(2) of the Railways Act 1993<sup>(6)</sup>;

“relevant local authority” means local transport authorities, district councils in England and London transport authorities;

“special amenity element fare” means a fare that is significantly high in relation to the general level of fares charged for comparable journeys;”;

(e) after the definition “stopping place” insert—

““temporary service” means a service that is intended to operate for less than six consecutive weeks and is not an emergency service;”.

(3) Delete “normally” in regulation 3(2)(a).

(4) Delete “normally” in regulation 3(3)(a).

(5) Delete “and” at the end of regulation 3(3)(e).

(6) After regulation 3(3)(f) insert:—

“(g) the service is not a temporary service;

(h) the service is not a London franchised service;

(i) the service is not one in connection with which a special amenity element fare is charged;

(j) the service is not operated primarily for the purposes of tourism or because of the historical interest of the vehicle used to deliver the service;

(k) the service is not a local authority service; and

(l) the service is not a rail replacement service.”.

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<sup>(4)</sup> 1985 c.67; section 19 was amended by section 57 of the Local Transport Act 2008 (c.26).

<sup>(5)</sup> 1999 c.29.

<sup>(6)</sup> 1993 c. 43.

Signed by the authority of the Secretary of State

20th August 2013

*Stephen Hammond*  
Parliamentary Under Secretary of State  
Department for Transport

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Section 154 of the Transport Act 2000 provides for the Secretary of State to make grants to operators of eligible bus services towards their costs in operating those services. The Bus Service Operators Grant (England) Regulations 2002 (“the Principal Regulations”), as amended, prescribe the classes of eligible bus services as respects England.

*Regulation 2(2)* amends the Principal Regulations, inserting new service definitions.

*Regulation 2(3) and (4)* amends regulation 3(2)(a) and regulation 3(3)(a) of the Principal Regulations respectively by deleting the word “normally”, thereby requiring that the service is always available to the public.

*Regulation 2(6)* amends regulation 3(3) of the Principal Regulations, ending eligibility for:

- temporary services;
- London franchised services;
- services for which a special amenity element fare is charged;
- services operated primarily for the purposes of tourism or because of the historical interest of the vehicle used to deliver the service;
- local authority services; and
- rail replacement services.

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