
STATUTORY INSTRUMENTS

2018 No. 21

The Advanced Quality Partnership
Schemes (England) Regulations 2018

PART 1

General

Citation and commencement

1.—(1) These Regulations may be cited as the Advanced Quality Partnership Schemes (England) Regulations 2018.

(2) These Regulations come into force on 8th February 2018.

Interpretation

2.—(1) In these Regulations—

“the 2000 Act” means the Transport Act 2000;

“the 1981 Act” means the Public Passenger Vehicles Act 1981 ^{M1};

“the 1985 Act” means the Transport Act 1985 ^{M2};

“admissible objection” has the meaning given in regulation 8;

“authority” means a local transport authority ^{M3};

“lead authority” means—

(a) the authority which has made, or is proposing to make, a scheme; or

(b) where regulation 4 applies, the authority named as the lead authority in the notice of a proposed scheme given under section 113G(1) (notice and consultation requirements) of the 2000 Act ^{M4};

“objector” means an operator who has made an objection in accordance with regulation 9;

“operator” means an operator who provides a local service ^{M5};

“relevant operator” has the meaning given in regulations 6 and 7;

“scheme” means an advanced quality partnership scheme ^{M6};

“traffic commissioner” means a commissioner appointed under section 4 (traffic commissioners) of the 1981 Act ^{M7}.

(2) Any period of days prescribed in these Regulations is to be calculated excluding any day which is Christmas Day, Good Friday, or a day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971 ^{M8}.

Marginal Citations

- M1** 1981 c. 14.
- M2** 1985 c. 67.
- M3** By virtue of section 162(1) of the Transport Act 2000, the term “local transport authority” has the meaning given in section 108(4) of that Act. Section 108(4) was amended by the [Local Transport Act 2008 \(c. 26\)](#), [section 77\(5\)](#) and Schedule 4, Part 3, paragraphs 41 and 42 and the [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), [Schedule 6](#), paragraphs 95 and 96.
- M4** [Section 113G](#) was inserted by section 1 of the Bus Services Act 2017.
- M5** By virtue of section 162(3) of the Transport Act 2000, the term “local service” has the meaning given in section 2 of the Transport Act 1985.
- M6** “Advanced quality partnership scheme” is construed in accordance with section 113C of the Transport Act 2000.
- M7** [Section 4](#) was substituted by section 3(2) of the Transport Act 1985. It was also amended by sections 2(1) to (6) and 3(2)(a) of the [Local Transport Act 2008 \(c. 26\)](#).
- M8** 1971 c. 80.

Appropriate rate of return

3. Where a person is required to consider whether an operator could be expected to secure an appropriate rate of return for operating services of a particular standard specified in any proposed or existing scheme, that person must have regard to the typical rates of return for operating local services of a comparable nature elsewhere in England.

Identification of lead authority

4.—(1) This regulation applies to any scheme containing a standard of services which includes requirements as to—

- (a) the frequency or timing of services,
- (b) the maximum fares that may be charged for particular journeys, or for journeys of particular descriptions,
- (c) the ways in which passengers may pay for journeys, or
- (d) the vehicles being used to provide the services,

which is made, or is proposed to be made, by two or more authorities acting jointly.

(2) Where this regulation applies—

- (a) the authorities referred to in paragraph (1) must specify in the notice of the proposed scheme given under section 113G(1) of the 2000 Act which of them is to act as the lead authority for the purposes of these Regulations; and
- (b) the lead authority must, before acting in accordance with any of the duties and responsibilities assigned by virtue of these Regulations—
 - (i) consult and seek representations from, and
 - (ii) wherever appropriate, act in accordance with the representations of,

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

Services to be excluded from the application of section 113E(7) and (8) of the 2000 Act

5.—(1) This regulation applies where a local service is provided in accordance with a service subsidy agreement, or series of such agreements taken together, and that agreement or series of agreements has the effect described in paragraph (2).

(2) The effect is that by virtue of a requirement of the agreement or series of agreements, an operator provides services which meet one or more relevant requirements.

(3) Where this regulation applies, the restrictions contained in section 113E(7) and (8) (advanced quality partnership schemes: facilities, measures and standards) of the 2000 Act ^{M9} do not apply in respect of any relevant requirements.

(4) For the purposes of this regulation—

- (a) a “service subsidy agreement” means an agreement made under section 9A(4) (general functions of authorities and executives) of the Transport Act 1968 ^{M10} or section 63(5) (functions of local councils with respect to passenger transport in areas other than integrated transport areas and passenger transport areas) of the 1985 Act ^{M11}; and
- (b) a “relevant requirement” means a requirement specified in a scheme, or proposed scheme as to—
 - (i) the standard of services to be provided in relation to the frequency or timing of services,
 - (ii) the maximum fares that may be charged for particular journeys, or for journeys of particular descriptions,
 - (iii) the ways in which passengers may pay for journeys, or
 - (iv) the vehicles being used to provide the services.

Marginal Citations

M9 Section 113E was inserted by section 1 of the Bus Services Act 2017.

M10 1968 c. 73. Section 9A was inserted by section 57 of the Transport Act 1985. Section 9A(4) was amended by section 67 of the Local Transport Act 2008.

M11 Section 63(5) was amended by section 68(2) of the Local Transport Act 2008.

Changes to legislation:

There are currently no known outstanding effects for the The Advanced Quality Partnership Schemes (England) Regulations 2018, PART 1.