
STATUTORY INSTRUMENTS

2018 No. 22

PUBLIC PASSENGER TRANSPORT, ENGLAND

**The Advanced Quality Partnership Schemes
(Existing Facilities) (England) Regulations 2018**

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| <i>Made</i> | - - - - | <i>10th January 2018</i> |
| <i>Laid before Parliament</i> | | <i>17th January 2018</i> |
| <i>Coming into force</i> | - - | <i>8th February 2018</i> |

The Secretary of State, in exercise of the powers conferred by section 113K(1)(a) and (2)(d) and (f) of the Transport Act 2000(1) makes the following Regulations.

Citation and commencement

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

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

Interpretation

2. In these Regulations—

“the 2000 Act” means the Transport Act 2000; and

“scheme” means an advanced quality partnership scheme(2).

Specification of existing facilities

3. An existing facility(3) which was first provided more than five years before the date on which notice is given under section 113G(1) of the 2000 Act(4) must not be specified in a scheme if—

(a) an operator of local services(5) consulted under section 113G(3)(a) of the 2000 Act objects to it being specified by making an objection in accordance with regulation 4(1); and

(b) that objection is not withdrawn in accordance with regulation 4(2).

(1) 2000 c. 38; section 113K was inserted by section 1 of the Bus Services Act 2017 (c. 21).

(2) “Advanced quality partnership scheme” is construed in accordance with section 113C of the Transport Act 2000.

(3) “Existing facilities” is defined in section 113K(1)(a) of the Transport Act 2000.

(4) Section 113G was inserted by section 1 of the Bus Services Act 2017.

(5) 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 (c. 67).

Objections

4.—(1) An objection referred to in regulation 3 must—

- (a) be made in writing;
- (b) be served on—
 - (i) the local transport authority⁽⁶⁾ which gave the notice under section 113G(1) of the 2000 Act; or
 - (ii) where two or more authorities propose to make the scheme, either the authority specified in the notice under section 113G(1) of the 2000 Act as the authority on which objections are to be served or, where no such authority is specified, on any one of them; and
- (c) be served within the period specified in the notice under section 113G(1) of the 2000 Act.

(2) Any objection made under regulation 3 may be withdrawn by notice in writing served on the local transport authority or authorities upon whom the objection was served in accordance with paragraph (1).

Notice of the proposed scheme

5. Where notice is given under section 113G of the 2000 Act in relation to a proposed scheme which specifies one or more existing facilities, section 113G is modified so that the notice to be given under that section must, in addition to the requirements set out in subsection (2) of that section—

- (a) state when the local transport authority or authorities believe that each such facility was first provided, and where two or more authorities propose to make the scheme then the authority in whose area the existing facility is situated must be responsible for making that statement; and
- (b) specify the period within which any operator of local services who is consulted under section 113G(3)(a) of the 2000 Act may make an objection to the specifying of an existing facility, such period being not less than 42 days from the date on which the notice is given.

Signed by authority of the Secretary of State for Transport

10th January 2018

Jesse Norman
Parliamentary Under Secretary of State
Department for Transport

(6) 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.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provisions relating to the inclusion of existing facilities in an advanced quality partnership scheme in England. In particular they allow operators of local services to object to the inclusion in a scheme of facilities which have been in place for more than five years.

Regulation 3 provides that an existing facility which was first provided more than 5 years before the date on which notice of the proposed scheme is given cannot form part of an advanced quality partnership scheme if an objection is made by an operator of local services, unless the objection is withdrawn by the operator who made it.

Regulation 4 provides that any objection made under Regulation 3 must be given in writing and be served on the appropriate authority within the period specified in the notice of the proposed scheme. The authority must give at least 42 days, from the date the notice was given under section 113G(1) of the Transport Act 2000, within which to make any objection.

Regulation 5 modifies section 113G so that the notice of a proposed scheme under section 113G(1) must also state when the authority believes each relevant existing facility was first provided. Where more than one authority proposes to make the scheme, the authority in whose area the existing facility is situated is responsible for making the statement. The authority must also specify in the notice given under section 113G(1) the period within which an operator of local services should make an objection.

An impact assessment has not been produced for these Regulations. However an assessment was made of the impact of the Bus Services Bill and this was updated to take account of any additional impacts of the regulations relating to advanced quality partnership schemes. Copies of the assessment may be obtained from the Buses and Taxis Division, Department for Transport, 2/12 Great Minster House, 33 Horseferry Road, London SW1P 4DR or from the Bus Services Bill page on gov.uk

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/589730/bus-services-bill-ia-for-regulations-secodary-legislation.pdf

An Explanatory Memorandum for this instrument has been published alongside these Regulations at www.legislation.gov.uk.