

2019 No. 1265

PUBLIC PASSENGER TRANSPORT, ENGLAND

**The Public Service Vehicles (Registration of Local Services in
Enhanced Partnership Areas) (England) Regulations 2019**

<i>Made</i>	- - - -	<i>16th September 2019</i>
<i>Laid before Parliament</i>		<i>18th September 2019</i>
<i>Coming into force</i>	- -	<i>7th October 2019</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 6E(6) to (8), 6G(9), 6H(3) and 6I(7) of the Transport Act 1985(a) and 138P and 160(1) of the Transport Act 2000(b).

The Secretary of State has consulted representative organisations in accordance with section 61(2) of the Public Passenger Vehicles Act 1981(c).

PART 1

General

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Public Service Vehicles (Registration of Local Services in Enhanced Partnership Areas) (England) Regulations 2019.

(2) These Regulations come into force on 7th October 2019.

(3) These Regulations extend to England and Wales.

(4) These Regulations apply to England only.

Interpretation

2.—(1) In these Regulations—

“the 1985 Act” means the Transport Act 1985;

“the 2000 Act” means the Transport Act 2000;

(a) 1985 c. 67. “Prescribed” and “regulations” are defined in section 137(1). Sections 6E to 6I were inserted by the Bus Services Act 2017 (c. 21)

(b) 2000 c. 38. Section 138P was inserted by section 9 of the Bus Services Act 2017 (c. 21).

(c) 1981 c. 14. Section 61 was modified by section 135(1) of the Transport Act 1985 (“the 1985 Act”). By virtue of section 134(1) of the 1985 Act, section 60 of the Public Passenger Vehicles Act 1981 (“the 1981 Act”) has effect as if Part 1 of the 1985 Act (which includes sections 6D, 6E, 6G, 6H and 6I of that Act) is contained in the 1981 Act. As such, section 61(2) applies to this instrument because it is made under section 6E.

“the 1986 Regulations” means the Public Service Vehicles (Registration of Local Services) Regulations 1986(a);

“financial year” means a period of 12 months ending with 31st March;

“forecast expenditure” means the amount that an authority expects to spend on service subsidies in a financial year;

“operator” is to be construed in accordance with section 137(7) of the 1985 Act;

“prescribed particulars” means the particulars referred to in regulation 4 of the 1986 Regulations;

“relevant local transport authority” in relation to a local service, means a local transport authority (within the meaning of section 108(4) of the 2000 Act(b)) within whose area there is, or is to be, a stopping place(c) for the service;

“service” means a local service(d) operated entirely or in part within the area to which the plan or scheme, as the case may be, relates;

“traffic commissioner” means a commissioner appointed under section 4 of the Public Passenger Vehicles Act 1981(e);

“working day” means a day which is not a Saturday or a Sunday, Christmas Day, Good Friday or a bank holiday in England and Wales under section 1 of the Banking and Financial Dealings Act 1971(f).

(2) In these Regulations, any requirement to give a notice or to notify is a requirement to do so in writing.

(3) Where section 6G(3) of the 1985 Act applies, any reference to a local transport authority in these Regulations, except in this regulation, is to be read as a reference to the lead authority as specified in accordance with that section.

PART 2

Registration of Local Services in Enhanced Partnership Areas

Contents of notices given to traffic commissioners under section 138G(5)(c) or 138M(6)(c) of the 2000 Act

3.—(1) A local authority or the local authorities (as the case may be) must include in a notice under section 138G(5)(c) or 138M(6)(c) of the 2000 Act the information specified in paragraph (2) held by it or an operator it believes would be affected by the scheme.

(2) The specified information is—

- (a) a description, and map, of the area to which the plan or scheme, as the case may be, relates;
- (b) the individual registration number that was allocated on registration with a traffic commissioner to, and prescribed particulars of, any service an operator operates which has one or more stopping places within the area to which the plan or scheme as made or varied (as the case may be) relates;

(a) S.I. 1986/1671. Relevant amendments were made by S.I.s 1986/1671, 1988/1879, 1989/1064, 1994/3271, 2004/10, 2009/3245, 2013/1644 and 2018/406.

(b) Section 108(4) was amended by paragraph 42 of Schedule 4 to the Local Transport Act 2008 (c. 26) and paragraph 96 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009 (c. 20).

(c) “Stopping place” is defined in section 137(1) of the 1985 Act.

(d) “Local service” has the meaning given in section 2 of the 1985 Act. It has the same meaning in the Transport Act 2000 (c. 38) by virtue of section 162 of that Act.

(e) Section 4 was substituted by section 3 of the 1985 Act and amended sections 2 and 3 of the Local Transport Act 2008 (c. 26).

(f) 1971 c. 80.

- (c) which, if any, of the services mentioned in sub-paragraph (b) are, or are to be, subject to one or more requirements imposed by the scheme pursuant to section 138A(5)(b) of the 2000 Act (enhanced partnership plans and schemes, in particular the imposition of particular requirements);
- (d) where a service mentioned in sub-paragraph (b) is, or is to be, subject to one or more of the requirements mentioned in sub-paragraph (c) which requirement or requirements, as the case may be;
- (e) what action an operator who operates a service mentioned in sub-paragraph (b) must take to comply with any requirement mentioned in sub-paragraph (d) to which that service is subject; and
- (f) the date from which a service mentioned in sub-paragraph (b) must be provided in accordance with any requirement to which it is, or is to be, subject.

(3) A local transport authority must include in a notice to a traffic commissioner under section 138G(5)(c) or 138M(6)(c) of the 2000 Act sufficient information about the plan or scheme, or both (as the case may be), including information (in addition to that specified under paragraph (2)(d)) about any requirements specified under section 138A(5)(b) of the 2000 Act, to enable a traffic commissioner to determine—

- (a) whether a service registered with it, and which has one or more stopping places in the area to which the plan or scheme, or both (as the case may be) relates, complies with such requirements; and
- (b) whether an application for registration, or for variation of registration, in relation to a service which has one or more stopping places in the area to which the plan or scheme, or both (as the case may be), relates, will, if accepted, lead to a service complying with such requirements.

(4) A local authority must include in a notice to a traffic commissioner under section 138G(5)(c) or 138M(6)(c) of the 2000 Act a statement as to whether the making or varying (as the case may be) of the registration of the scheme does require, or will require when it comes into operation, operational changes to bus services which have one or more stopping places within the area of the scheme.

(5) In this regulation “operational changes”, in relation to a service, means any variation in the way in which the service functions.

Notifying a traffic commissioner whether route requirements exist

4. When a local authority notifies a traffic commissioner under section 6G(2) of the 1985 Act, it must also include in that notification where relevant—

- (a) the name of the operator of any service to which any route requirement the scheme specifies relates;
- (b) the number of that operator’s public service vehicle operator’s licence^(a) (except in circumstances in which, by virtue of any enactment, the operator is not required to hold such a licence);
- (c) the date on which the service started or is to start;
- (d) where the service consists of an excursion or tour^(b)—
 - (i) a list of the stopping places; and
 - (ii) the maximum number of vehicle departures to be made on each day on that route;
- (e) the times during the year when the service will be provided;

(a) “Public service vehicle operator’s licence” means a licence granted under Part 2 of the Public Passenger Vehicles Act 1981 (c. 14).

(b) For the meaning of “excursion or tour” see section 137 of the 1985 Act.

- (f) the principal starting and finishing points between which the service, or service as varied, is, or is to be, subject to a requirement imposed under section 138C(1) of the 2000 Act and, if so, which requirement or requirements;
- (g) whether the service, or service as varied, is, or is to be, subject to a requirement imposed under section 138C(3) of the 2000 Act and, if so, which requirement or requirements;
- (h) details of the route requirement or requirements(a); and
- (i) any changes to the service which will be required to ensure that the service is provided in accordance with the requirement or requirements.

Notifying operators of the delegation of relevant registration functions

5.—(1) Where the relevant registration functions are delegated to a local transport authority under section 6G(4) or (7) of the 1985 Act, the local transport authority must notify the operator of any service operating wholly within the area to which the enhanced partnership scheme relates—

- (a) that—
 - (i) the relevant registration functions have been delegated to the local transport authority; and
 - (ii) the local transport authority will be carrying them out;
 - (b) of the date from which an application to register a service (under section 6(2) of the 1985 Act), or an application to vary or cancel a registration (under section 6(7) of that Act), should be made to the local transport authority rather than a traffic commissioner; and
 - (c) how an application mentioned in sub-paragraph (b) is to be made.
- (2) The local transport authority must provide the information specified in paragraph (1)—
- (a) where section 6G(4) applies, within the period of 28 days beginning with the day on which the functions are delegated under section 6G(4)(a);
 - (b) where section 6G(7) applies, within the period of 28 days beginning with the day on which the notification specified in section 6G(6)(b) is given.

Records of operation of services and publication of registration information

6.—(1) This regulation applies where a traffic commissioner delegates the relevant registration functions to a local transport authority under section 6G(4) or (7) of the 1985 Act.

- (2) The local transport authority must publish, at least fortnightly—
- (a) in respect of all applications for registration under section 6 of the 1985 Act it has received since the last such notice and which have not been cancelled, a notice containing—
 - (i) the name and address of the person who made the application;
 - (ii) the serial number allocated to the registration by the local transport authority;
 - (iii) the date on which the service will first be provided;
 - (iv) the terminal points of the service;
 - (v) a description of the route by reference to the principal places served; and
 - (vi) an indication of the frequency of the service and of the days on which it will run;
 - (b) in respect of an application to vary or cancel a registration under section 6(7) of the 1985 Act, a notice containing—
 - (i) the name and address of the person who made the application;
 - (ii) the serial number allocated to the registration to which the application relates;

(a) For the meaning of “route requirement” see section 6D(4) of the 1985 Act.

- (iii) details of the variation requested in the application, or a statement that the application is to cancel the registration; and
 - (iv) the effective date of the variation or cancellation.
- (3) A notice under paragraph (2)—
- (a) must be published on the local transport authority’s website; and
 - (b) must be made available in hard copy upon reasonable request.

Records to be kept by the local transport authority

7. Where the relevant registration functions of a traffic commissioner have been delegated to a local transport authority in accordance with section 6G of the 1985 Act, the local transport authority must keep a record of the prescribed particulars of—

- (a) all services registered under section 6 of the 1985 Act; and
- (b) all variations and cancellations of such registrations.

Traffic Commissioner cancelling a service registration under section 6E(2) of the 1985 Act

8.—(1) This regulation applies where, in relation to an enhanced partnership scheme, the relevant registration functions of a traffic commissioner have not been delegated in accordance with section 6G of the 1985 Act.

(2) If a traffic commissioner considers that the registration of a service should be cancelled under section 6E(2) of the 1985 Act, a traffic commissioner must send to the operator of the service and every relevant local transport authority any part of whose area, would in the opinion of a traffic commissioner, be affected, a notice of intention to cancel the registration of the service.

(3) A notice of intention to cancel under paragraph (2) must contain the information specified in Part 1 of the Schedule.

(4) Within the period of 10 working days beginning with the day on which a notice of intention to cancel under paragraph (2) is given, the operator may send a notice of compliance regarding that service to a traffic commissioner, and if it does so must also send a copy of the notice to every relevant local transport authority at the same time.

(5) A notice of compliance under paragraph (4) must contain the information specified in Part 2 of the Schedule.

(6) Within the period of 28 days beginning with the day on which a notice of intention to cancel under paragraph (2) is given, an authority may notify a traffic commissioner and operator of its preferred date for the cancellation of registration of the service.

(7) A traffic commissioner must notify the operator of the service and every relevant local transport authority of the decision under section 6E(2) of the 1985 Act on whether it will cancel the registration of a service—

- (a) where a notice of compliance relating to that service is given under paragraph (4), within the period of 10 working days beginning with the day on which that notice is given; or
- (b) where such a notice of compliance is not given, within the period of 35 working days beginning with the day on which it gives the notice of intention to cancel under paragraph (2).

(8) A notification under paragraph (7) must contain at least the information specified in Part 3 of the Schedule.

(9) Within the period of 10 working days beginning with the day on which notification under paragraph (7) is given, a traffic commissioner must publish it.

(10) The cancellation of the registration of a service under section 6E(2) of the 1985 Act is to take effect on whichever is the later of the following dates—

- (a) the first Monday after the period of 28 days beginning with the day on which the section 6E(2) decision notification is given under paragraph (7); or

(b) the local transport authority's preferred date for the cancellation of registration of the service notified under paragraph (6).

(11) The cancellation of the registration of a service under section 6E(2) of the 1985 Act must be postponed if that decision is appealed.

(12) If the cancellation of the registration of a service is—

(a) upheld following an appeal—

(i) a traffic commissioner must send a revised decision notification to the operator and every relevant local transport authority within the period of 5 working days beginning with the day on which the appeal is decided, stating whether the registration of that service is to be cancelled; and

(ii) if the revised decision notification sent under paragraph (i) states that a traffic commissioner will cancel the registration of the service, the cancellation must take effect on the first Monday after the period of 5 working days beginning with the day on which the notification is given;

(b) not upheld following an appeal, the registration of the service remains effective.

(13) A revised decision notification under paragraph (12)(a)(i) must contain at least the information specified in Part 3 of the Schedule.

(14) A traffic commissioner must publish the revised decision notification within the period of 10 working days beginning with the day on which it gives the notification under paragraph (12)(a)(i).

(15) A traffic commissioner may postpone the cancellation of the registration of a service under section 6E(2) of the 1985 Act for up to 70 days if—

(a) a traffic commissioner receives a request to do so from a relevant local transport authority prior to the day the cancellation is due to take effect; and

(b) a traffic commissioner is satisfied that it is necessary to do so to ensure the continuity of the service.

(16) A traffic commissioner may revoke the cancellation of the registration of the service under section 6E(2) of the 1985 Act if—

(a) a traffic commissioner receives a request to do so from a relevant local transport authority; and

(b) a traffic commissioner is satisfied that it is in the best interests of passengers to do so.

(17) Where a traffic commissioner postpones or revokes a cancellation under paragraph (15) or (16) it must—

(a) notify the operator and the relevant local transport authorities—

(i) that it has done so; and

(ii) in the case of a postponement, the date to which the cancellation is postponed; and

(b) publish a copy of the notification within the period of 10 working days beginning with the day on which it gives the notification.

Local Transport Authority cancelling a service registration under section 6E(2) of the 1985 Act

9.—(1) This regulation applies where, in relation to an enhanced partnership scheme, the relevant registration functions of a traffic commissioner have been delegated in accordance with section 6G of the 1985 Act.

(2) If the local transport authority considers that the registration of a service should be cancelled under section 6E(2) of the 1985 Act, the local transport authority must send to the operator of the service and every other relevant local transport authority any part of whose area, would in the opinion of the local transport authority, be affected, a notice of intention to cancel the registration of the service.

(3) A notice of intention to cancel under paragraph (2) must contain the information specified in Part 1 of the Schedule.

(4) Within the period of 10 working days of the day on which a notice of intention to cancel under paragraph (2) is given, an operator may send a notice of compliance regarding that service to the local transport authority, and if it does so must also send a copy of the notice to every relevant local transport authority at the same time.

(5) A notice of compliance under paragraph (4) must contain the information specified in Part 2 of the Schedule.

(6) The local transport authority must notify the operator of the service of the decision under section 6E(2) of the 1985 Act on whether it will cancel the registration of a service—

- (a) where a notice of compliance relating to that service is given under paragraph (4), within the period of 10 working days beginning with the day on which that notice is given; or
- (b) where such a notice of compliance is not given, within the period of 20 working days beginning with the day on which it gives the notice of intention to cancel under paragraph (2).

(7) A notification under paragraph (6) must contain the information specified in Part 3 of the Schedule.

(8) Within the period of 10 working days beginning with the day on which the local transport authority gives a notification under paragraph (6) it must publish it.

(9) The cancellation of the registration of a service under section 6E(2) of the 1985 Act is to take effect on the first Monday after the period of 28 days beginning with the day on which the section 6E(2) decision notification is given under paragraph (6).

(10) The cancellation of the registration of a service under section 6E(2) of the 1985 Act must be postponed if that decision is appealed.

(11) If the cancellation of the registration of a service is—

- (a) upheld following an appeal—
 - (i) the local transport authority must send a revised decision notification to the operator within the period of five working days beginning with the day on which the appeal is decided, stating whether the registration of that service is to be cancelled; and
 - (ii) if the revised decision notification sent under paragraph (i) states that the local transport authority will cancel the registration of the service, the cancellation must take effect on the first Monday after the period of 14 days beginning with the day on which the notification is given;
- (b) not upheld following an appeal, the registration of the service remains effective.

(12) A revised decision notification under paragraph (11)(a)(i) must contain at least the information specified in Part 3 of the Schedule.

(13) The local transport authority must publish the revised decision notification within the period of 10 working days beginning with the day on which it gives it under paragraph (11)(a)(i).

(14) The local transport authority may postpone the cancellation of the registration of a service under section 6E(2) of the 1985 Act for up to 70 days if it is satisfied that it is necessary to do so to ensure the continuity of the service.

(15) The local transport authority may revoke the cancellation of the registration of the service under section 6E(2) of the 1985 Act if it is satisfied that it is in the best interests of passengers to do so.

(16) Where a local transport authority postpones or revokes a cancellation under paragraph (14) or (15), it must—

- (a) notify the operator—
 - (i) that it has done so; and
 - (ii) in the case of a postponement, the date to which the cancellation is postponed; and

- (b) publish the notification within the period of 10 working days beginning with the day on which it gives it.

Traffic Commissioner cancelling a service registration under section 6E(3) or (4) of the 1985 Act

10.—(1) This regulation applies where, in relation to an enhanced partnership scheme, the relevant registration functions of a traffic commissioner have not been delegated in accordance with section 6G of the 1985 Act.

(2) If a traffic commissioner considers that the registration of a service should be cancelled under section 6E(3) or (4) of the 1985 Act, a traffic commissioner must send to all the operators of services subject to the route requirement and every relevant local transport authority any part of whose area, would in the opinion of a traffic commissioner, be affected, a notice of intention to cancel the registration of the service or services.

(3) A notice of intention to cancel under paragraph (2) must contain at least the information specified in Part 4 of the Schedule.

(4) Within the period of 28 days beginning with the day on which a notice of intention to cancel under paragraph (2) is given, an operator may send to a traffic commissioner a notice of compliance regarding that service or those services, and if it does so must also send the notice to every relevant local transport authority at the same time.

(5) A notice of compliance under paragraph (4) must contain at least the information specified in Part 5 of the Schedule.

(6) Within the period of 28 days beginning with the day on which the notice of intention to cancel under paragraph (2) is given, an authority may notify a traffic commissioner and operators of its preferred date for the cancellation of registration of the service.

(7) A traffic commissioner must notify every relevant local transport authority and the operators of the decision under section 6E(3) or (4) of the 1985 Act on whether it will cancel the registration of a service—

- (a) where a notice of compliance relating to that service is given under paragraph (4), within the period of 10 working days beginning with the day on which that notice is given; or
- (b) where such a notice of compliance is not given, within the period of 35 working days beginning with the day on which it gives the notice of intention to cancel under paragraph (2).

(8) A notification under paragraph (7) must contain at least the information specified in Part 3 of the Schedule.

(9) Within the period of 10 working days beginning with the day on which a notification under paragraph (7) is given, a traffic commissioner must publish it.

(10) The cancellation of the registration of a service under section 6E(3) or (4) of the 1985 Act is to take effect on whichever is the later of the following dates—

- (a) the first Monday after the period of 28 days beginning with the day on which the section 6E(3) or (4) decision notification is given under paragraph (7);
- (b) the local transport authority's preferred date for the cancellation of registration of the service under paragraph (6); or
- (c) the date on which the service was due to commence operation.

(11) The cancellation of the registration of a service under section 6E(3) or (4) of the 1985 Act must be postponed if that decision is appealed.

(12) If the cancellation of the registration of a service is—

- (a) upheld following an appeal—
 - (i) a traffic commissioner must send a revised decision notification to the operators and every relevant local transport authority within 5 working days of the date of the

appeal being decided (beginning with the day it is decided), stating whether the registration of that service is to be cancelled; and

- (ii) if the revised decision notification sent under paragraph (i) states that a traffic commissioner will cancel the registration of the service, the cancellation must take effect on the first Monday after 5 working days have elapsed beginning with the date on which the notification is sent;

(b) not upheld following an appeal the registration of the service remains effective.

(13) A revised decision notification under paragraph (12)(a)(i) must contain at least the information specified in Part 3 of the Schedule.

(14) A traffic commissioner must publish the revised decision notification within the period of 10 working days beginning with the day on which it gives it under paragraph (12)(a)(i).

(15) A traffic commissioner may postpone the cancellation of the registration of a service under section 6E(3) or (4) of the 1985 Act for up to 182 days if—

- (a) a traffic commissioner receives a request to do so from a relevant local transport authority prior to the day on which the cancellation is due to take effect; and
- (b) a traffic commissioner—
 - (i) is satisfied that it is necessary to do so to ensure the continuity of the service; or
 - (ii) believes that there may no longer be cause for the cancellation.

(16) A traffic commissioner may revoke the cancellation of the registration of the service under section 6E(3) or (4) of the 1985 Act if—

- (a) a traffic commissioner receives a request to do so from a relevant local transport authority prior to the day on which the cancellation is due to take effect; and
- (b) a traffic commissioner is satisfied that there is no longer cause for the cancellation.

(17) Where a traffic commissioner postpones or revokes a cancellation under paragraph (15) or (16) it must—

- (a) notify the operators and the relevant local transport authorities—
 - (i) that it has done so; and
 - (ii) in the case of a postponement, the date to which the cancellation is postponed; and
- (b) publish the notification within the period of 10 working days beginning with the day on which it gives it.

Local Transport Authority cancelling a service registration under section 6E(3) or (4) of the 1985 Act

11.—(1) This regulation applies where, in relation to an enhanced partnership scheme, the relevant registration functions of a traffic commissioner have been delegated in accordance with section 6G of the 1985 Act.

(2) If the local transport authority considers that the registration of a service should be cancelled under 6E(3) or (4) of the 1985 Act, the local transport authority must send to all the operators of services subject to the route requirement and every other relevant local transport authority any part of whose area, would in the opinion of the local transport authority, be affected, a notice of intention to cancel the registration of the service.

(3) A notice of intention to cancel under paragraph (2) must contain at least the information specified in Part 4 of the Schedule.

(4) Within the period of 28 days beginning with the day on which a notice of intention to cancel under paragraph (2) is given, an operator may send to the local transport authority a notice of compliance regarding that service and if it does so must also send the notice to every relevant local transport authority at the same time.

(5) A notice of compliance under paragraph (4) must contain at least the information specified in Part 5 of the Schedule.

(6) The local transport authority must notify the operator of the service of the decision under section 6E(3) or (4) of the 1985 Act on whether it will cancel the registration of a service—

- (a) where a notice of compliance relating to that service is given under paragraph (4), within the period of 10 working days beginning with the day on which that notice is given; or
- (b) where such a notice of compliance is not given, within the period of 35 working days beginning with the day on which it gives the notice of intention to cancel under paragraph (2).

(7) A notification under paragraph (6) must contain at least the information specified in Part 3 of the Schedule.

(8) Within the period of 10 working days of the day on which the local transport authority gives a notification under paragraph (6), the local transport authority must publish it.

(9) A cancellation of the registration of a service under section 6E(3) or (4) of the 1985 Act pursuant to paragraph (6) is to take effect on whichever is the later of the following—

- (a) the first Monday after the period of 28 days beginning with the day on which the section 6E(3) or (4) decision notification is given under paragraph (6); or
- (b) the date upon which the service was due to commence operation.

(10) The cancellation of the registration of a service under section 6E(3) or (4) of the 1985 Act must be postponed if that decision is appealed.

(11) If the cancellation of the registration of a service is—

- (a) upheld following an appeal—
 - (i) the local transport authority must send a revised decision notification to the operators within the period of five working days beginning with the day on which the appeal is decided stating whether the registration of that service is to be cancelled; and
 - (ii) if the revised decision notification sent under paragraph (i) states that the local transport authority will cancel the registration of the service, the cancellation must take effect on the first Monday after 14 days have elapsed beginning with the day on which the notification was given;
- (b) not upheld following an appeal, the registration of the service remains effective.

(12) A revised decision notification under paragraph (11)(a)(i) must contain at least the information specified in Part 3 of the Schedule.

(13) The local transport authority must publish the revised decision notification within the period of 10 working days of the day on which it gives it under paragraph (11).

(14) The local transport authority may postpone the cancellation of the registration of a service under section 6E(3) or (4) of the 1985 Act for up to 182 days if it—

- (a) is satisfied that it is necessary to do so to ensure the continuity of the service; or
- (b) believes that there may no longer be cause for the cancellation.

(15) The local transport authority may revoke the cancellation of the registration of the service under section 6E(3) or (4) of the 1985 Act if the local transport authority is satisfied that there is no longer cause for the cancellation.

(16) Where a local transport authority postpones or revokes a cancellation under paragraph (14) or (15) it must—

- (a) notify the operators—
 - (i) that it has done so; and
 - (ii) in the case of a postponement, the date to which the cancellation is postponed; and
- (b) publish the notification within the period of 10 working days of the day on which it gives the notification.

Application for registration or variation of a registration of a service where a traffic commissioner or local transport authority enforces a route requirement

12.—(1) This regulation applies where—

- (a) notice of a decision to cancel a service or services is sent to an operator under regulation 10(7) or 11(6), and
- (b) before the cancellation of that service takes effect an application is made to register, or vary, a service under regulation 3 of the 1986 Regulations^(a) which would, or would as varied, be subject to a route requirement the non-compliance with which led to the decision mentioned in sub-paragraph (a) being made.

(2) Where—

- (a) the application is made by an operator that received the notice of cancellation under regulation 10(7) or 11(6); and
- (b) the service to be registered, or as varied, would not comply with all of the requirements mentioned in the notice of cancellation,

a traffic commissioner or the local transport authority (as the case may be) must not register the service or vary the registration (as the case may be).

(3) Where—

- (a) the application is not made by an operator that received the notice of cancellation under regulation 10(7) or 11(6); and
- (b) the service to be registered, or as varied, would not comply with all of the requirements mentioned in the notice of cancellation,

a traffic commissioner or the local transport authority must revoke the cancellation under regulation 10(7) or 11(6).

(4) Where under paragraph (3), a traffic commissioner or the local transport authority (as the case may be) revokes the cancellation sent under regulation 10(7) or 11(6) it must send a new notice of intention to cancel to—

- (a) all of those to whom it sent the notice of cancellation under regulation 10(7) or 11(6); and
- (b) the operator who made the application referred to in paragraph (1).

(5) Following a new notice of intention to cancel being sent under paragraph (4)—

- (a) where the original notice of cancellation was sent under regulation 10(7), regulation 10(8) to (17) applies;
- (b) where the original notice of cancellation was sent under regulation 11(6), regulation 11(7) to (16) applies.

Application for registration, or variation of a registration, of a service where a traffic commissioner or local transport authority enforces a route requirement

13.—(1) For the purposes of section 6D(3) of the 1985 Act, the registration, or variation of registration, of the service is prevented if—

- (a) the requirement mentioned in subsection (1)(b) of that section is a route requirement; and
- (b) a traffic commissioner considers that the person who would be the operator of—
 - (i) the service proposed to be provided, or,
 - (ii) the service as proposed to be varied,is unlikely to be able to comply with that requirement as regards that service.

(a) Regulation 3(1) was amended by S.I. 2013/1644.

(2) But the registration, or variation of registration, of the service is not prevented if the only foreseeable breach of the requirement that would result from the registration, or variation of registration, is exceeding the number of vehicles on the route allowed by the route requirement.

Slot allocation contracts

14.—(1) Where notification of a decision under section 6E(3) or (4) of the 1985 Act is given under paragraph 10(7) or 11(6), the relevant local transport authority may issue an invitation for tenders for the award of one or more slot allocation contracts that must require the implementation of all route requirements and operation requirements that the cancelled service was required to meet.

(2) The person awarded the contract must implement all of the route requirements or operation requirements that the cancelled service was required to meet—

- (a) for five years, or
- (b) until the relevant enhanced partnership scheme expires,

whichever is earlier.

(3) A slot allocation contract is a contract which—

- (a) relates solely to the provision of services in the area of the relevant enhanced partnership scheme;
- (b) is competitively procured, except where regulation 15 or 16 applies;
- (c) is procured using evaluation criteria of the description set out in paragraph (5), except where regulation 15 or 16 applies;
- (d) requires the income received under the contract to be spent on—
 - (i) the cost of meeting the obligations set out in the contract;
 - (ii) providing new or improved benefits to the users of local services within the area of a participating local transport authority; or
 - (iii) both (i) and (ii);
- (e) requires the services provided under that contract to begin immediately after the cancellation under section 6E(3) or (4) of the 1985 Act has effect;
- (f) is not awarded while—
 - (i) the decision to cancel a service is subject to an appeal under section 6F(1) or (2) of the 1985 Act; or
 - (ii) the period for bringing an appeal mentioned in paragraph (i) has not expired;
- (g) is not awarded until at least 29 days after a notification of cancellation has been given under regulation 8(7), 9(6), 10(7), 11(6) or 12(4);
- (h) specifies the date from which the person awarded the contract is to provide services.

(4) If a service provided under a slot allocation contract has commenced operation, any new application to register a service on the route or part of the route (as the case may be) to which the contract relates must be refused while that contract remains in force.

(5) For the purposes of paragraph (3)(c)—

- (a) the evaluation criteria must include evaluation of—
 - (i) the quality of service being proposed;
 - (ii) the potential for competition to bring benefits to bus passengers in the area of the relevant enhanced partnership scheme;
 - (iii) the contribution that the service being proposed would provide to connectivity for bus passengers within the area of the relevant enhanced partnership scheme;
 - (iv) any other factors the local transport authority considers it necessary to take into account in order to further the objectives set out in the enhanced partnership plan for the relevant enhanced partnership scheme;

(b) a maximum of 33% of the evaluation criteria may relate to any monies to be paid to the local transport authority.

(6) For the purposes of paragraph (3)(d)—

“new benefits” means any benefits which were introduced in the nine months preceding the date on which the invitation to tender is issued;

“participating local transport authority” means a local transport authority the area of which is subject to the enhanced partnership scheme.

(7) For the purposes of this regulation, the “relevant enhanced partnership scheme” is the scheme the requirement or requirements of which the service that had its registration cancelled was not meeting or could not meet.

Slot allocation contracts: exceptions to competitive procurement requirements where the authority’s forecast expenditure does not exceed £600,000

15.—(1) This regulation applies where a tender for a slot allocation contract is being held at a time when the authority’s forecast expenditure in the current financial year does not exceed £600,000.

(2) Subject to paragraphs (3), (4) and (5), where this regulation applies there are excluded from the requirements under regulation 14(3)(b) and (c) the following slot allocation contracts—

(a) any contract which will remain in force for less than 12 months and under which the aggregate amount of service subsidies does not exceed £29,999; and

(b) any contract which will remain in force for 12 months or more and under which—

(i) the aggregate amount of service subsidies payable during the period of 12 months beginning on the date that the contract comes into force does not exceed £29,999, and

(ii) the aggregate amount of service subsidies payable during any subsequent relevant year (or part of a year) it is in force cannot exceed £29,999.

(3) This regulation does not exclude from the requirements under regulation 14(3)(b) and (c) a slot allocation contract the effect of which is to modify a contract which is within the scope of paragraph (1) so that—

(a) where the modified agreement contract will remain in force for less than 12 months after the date on which the modification takes effect, the aggregate amount of the service subsidies payable in the 12 month period ending on the date that agreement ceases to be in force is increased to £30,000 or more; or

(b) where the modified agreement contract will remain in force for 12 months or more after the date on which the modification takes effect—

(i) the aggregate amount of the service subsidies payable during the period of 12 months after the date on which the modification takes effect is increased to £30,000 or more, and

(ii) the aggregate amount of service subsidies payable during any subsequent relevant year (or part of a year) it remains in force is increased to £30,000 or more.

(4) This regulation does not exclude from the requirements under regulation 14(3)(b) and (c) a slot allocation contract providing for an increase in the amount of service subsidies payable to be agreed between the parties or to be calculated by any method other than those mentioned in paragraph (5)(b)(ii) of this regulation.

(5) For the purposes of this regulation—

(a) a “relevant year” is a period of 12 months commencing on an anniversary of the date on which—

(i) where paragraph (2)(b)(ii) applies, the contract came into force;

(ii) where paragraph (3)(b)(ii) applies, the modification took effect;

- (b) the aggregate amount of service subsidies payable in any period under a slot allocation contract is to—
 - (i) include any specific amount the payment of which is dependent on a contingency; and
 - (ii) exclude any amount payable at any time after the first period of 12 months during which the contract is in force and which becomes payable—
 - (aa) as a direct consequence of an increase in an index published by the Government of movements in prices or costs; or
 - (bb) pursuant to any provision of the contract whereby an increase in the amount of service subsidies payable is not to exceed a figure calculated by reference to such an index.

Slot allocation contracts: exceptions to competitive procurement requirements where the authority’s forecast expenditure exceeds £600,000

16.—(1) This regulation applies where a tender for a slot allocation contract is being held at a time when an authority’s forecast expenditure in the current financial year exceeds £600,000.

(2) Subject to paragraph (5), where this regulation applies there is excluded from the requirements in regulation 14(3)(b) and (c) a slot allocation contract (an “excluded slot allocation contract”) which satisfies the criteria in paragraph (3) or such of those criteria as may apply.

(3) The criteria are that—

- (a) at the time the slot allocation contract is entered into, the aggregate amount of service subsidies payable in the current financial year under—
 - (i) the excluded slot allocation contract, and
 - (ii) all other service subsidy agreements made by that authority otherwise than by acceptance of a tender invited pursuant to regulation 14(1),
 does not exceed one quarter of the authority’s forecast expenditure for that year; and
- (b) where the excluded slot allocation contract will remain in force after the end of the financial year in which it was entered into, the aggregate amount of service subsidies payable under it in any subsequent financial year during which it remains in force cannot exceed one quarter of the authority’s forecast expenditure current at the time it was entered into.

(4) For the purposes of this regulation, the aggregate amount of service subsidies payable in any period under a service subsidy agreement is to—

- (a) include any specific amount the payment of which is dependent on a contingency; and
- (b) exclude any amount payable under the slot allocation contract at any time after the end of the financial year in which it was made and which becomes payable—
 - (i) as a direct consequence of an increase in an index published by the Government of movements in prices or costs; or
 - (ii) pursuant to any provision of the agreement whereby an increase in the amount of service subsidies payable is not to exceed a figure calculated by reference to such an index.

(5) In this regulation “service subsidy agreement” means an agreement which provides for the payment of service subsidies for the provision of a local service.

Slot allocation contracts: further provision

17.—(1) If a local transport authority issues an invitation to tender under regulation 14, it must within the period of two working days beginning with the day on which it issues the invitation notify a traffic commissioner.

(2) A notification under paragraph (1) must state—

- (a) the decision or decisions to cancel services which has or have required the local transport authority to issue an invitation for tenders and what that or those decision or decisions is or are;
- (b) the date on which the cancellation of a service is to take effect;
- (c) the route or operation requirements that the person awarded the slot allocation contract will be required to implement;
- (d) the date on which the invitation to tender was issued;
- (e) the intended expiry date of the slot allocation contract.

(3) A notification under paragraph (1) must be published in such a manner as the local transport authority sees fit.

(4) Where an application to vary, or register, the prescribed particulars of a service which would (or would as varied) be subject to any of the route requirements stated in a notification under paragraph (1) is received by a traffic commissioner or local transport authority (as the case may be)—

- (a) after the invitation to tender was issued under regulation 14(1); but
- (b) before the date specified in paragraph (2)(b),

and the operator who made the application is not awarded a slot allocation contract in relation to that application, that service must be cancelled with effect from the date specified in paragraph (2)(b).

(5) Where a traffic commissioner or a local transport authority receives an application to which paragraph (4) applies from an operator, it must notify the operator within the period of five working days beginning with the day on which it receives the application—

- (a) that the application relates to a service which is subject to a route requirement and which is subject to an invitation for tenders for a slot allocation contract; and
- (b) the date on which the service to be registered, or the registration of which is to be varied, is to be cancelled.

(6) Where an operator receives a notification under paragraph (5), it must notify a traffic commissioner within the period of two working days beginning with the day on which that notification was given, whether, even though it is aware the service to be registered or the registration of which is to be varied will be imminently cancelled, nonetheless it wishes the application for registration or variation to be considered.

(7) Where a traffic commissioner does not receive a notification within the period specified paragraph (6), a traffic commissioner is to treat the application as withdrawn.

(8) Where the cancellation of a service is postponed under regulation 10(11) or (15) or 11(10) or (14) a traffic commissioner must notify the operator who made the application mentioned in paragraph (4) within the period of two working days beginning with the day on which the cancellation is postponed—

- (a) that the application relates to a service which is subject to a route requirement, and which is subject to tendering for a slot allocation contract;
- (b) that the cancellation of the service to be registered or varied has been postponed; and
- (c) the date to which the cancellation has been postponed.

(9) Where an operator receives a notification under paragraph (8), it must notify a traffic commissioner within the period of two working days beginning with the day on which that notification is given, whether, nonetheless, it wishes the application for registration or variation to be considered.

(10) Where a traffic commissioner does not receive a notification within the time period specified in paragraph (9), a traffic commissioner is to treat the application as withdrawn.

(11) An application to register or vary the prescribed particulars of a service which would, or would as varied, be subject to any of the route requirements stated in a notification under paragraph (1) must be refused where it is made when the slot allocation contract is in force.

Co-operation between traffic commissioners and local transport authorities

18.—(1) Where the relevant registration functions relating to some but not all of the services which are subject to a route requirement or operation requirement have been delegated by a traffic commissioner to a local transport authority under section 6G(4) or (7) of the 1985 Act, a traffic commissioner and local transport authority must co-operate with each other in the exercise of their respective functions.

(2) Where paragraph (1) applies and a traffic commissioner or local transport authority requests the other to provide information required for the effective exercise of the relevant registration functions, such information must be provided within the period of 10 working days beginning with the day on which the request is made.

Extension of time

19.—(1) Where a traffic commissioner considers it to be necessary in order for a particular case to be dealt with fairly and justly, a traffic commissioner may extend any of the periods specified in paragraph (3).

(2) A period described in paragraph (3) may only be extended for such period as a traffic commissioner considers appropriate in the circumstances of the case.

(3) The periods are those referred to in—

- (a) regulation 8(7) and (12); and
- (b) regulation 10(7) and (12).

PART 3

Amendments to the Public Service Vehicles (Registration of Local Services) Regulations 1986

Amendments to the Public Service Vehicles (Registration of Local Services) Regulations 1986

20.—(1) The 1986 Regulations(a) are amended as follows.

(2) In regulation 2(1), at the appropriate place insert—

““the relevant registration functions” has the meaning given in section 6G(10) of the 1985 Act;”.

(3) In regulation 3, after paragraph (5) insert—

“(6) A local transport authority to whom relevant registration functions have been delegated and to whom an application for registration, or for variation or cancellation of a registration, has been made must, where a traffic commissioner requests, send a copy of that application to a traffic commissioner by the fifth working day after the day on which the application is made to the local transport authority.

(7) The local transport authority must within the period of 14 days beginning with the day on which it accepts an application for registration, or for the variation or cancellation of a registration, send notice of the date of the acceptance of the application to the applicant and to every relevant authority.”.

(4) In regulation 9—

- (a) in paragraph (2)(g) after “condition set out in paragraph (2A)” insert “and, where the service is within an area subject to an enhanced partnership scheme made under section 138A of the Transport Act 2000, the condition set out in paragraph (2B)”;

(a) S.I. 1986/1671. Relevant amendments were made by S.I.s 1988/1879, 1989/1064, 1994/3271, 2004/10 and 2009/3245.

(b) in paragraph (2A) before “condition referred to in paragraph (2)(g)” insert “first”; and

(c) after paragraph (2A) insert—

“(2B) The second condition referred to in paragraph (2)(g) is that the provision of additional vehicles would not breach any requirement imposed by an enhanced partnership scheme under section 138C of the Transport Act 2000.”.

(5) In regulation 9A, after paragraph (4) insert—

“(5) Where the relevant registration functions of a traffic commissioner are delegated to a local transport authority in accordance with section 6G of the 1985 Act, the local transport authority must send notice of the cancellation of any registration in accordance with this regulation to that traffic commissioner.”.

(6) After regulation 12 insert—

“Registration Fees

12A.—(1) This regulation applies where the relevant registration functions of a traffic commissioner are delegated to a local transport authority in accordance with section 6G of the 1985 Act.

(2) A fee charged under section 6H(2) of the 1985 Act must not exceed the relevant costs incurred by the local transport authority in respect of the application.

(3) In paragraph (2) “relevant costs” means—

- (a) staff costs incurred by it that are directly attributable to the relevant registration functions in relation to that application;
- (b) accommodation costs incurred by it that are directly attributable to the relevant registration functions in relation to that application; and
- (c) ancillary costs incurred by it that are directly attributable to the relevant registration functions in relation to that application.

(3) No fee is payable—

- (a) on an application to vary the registration of a service the only reason for which is to enable the operator of the service to comply with any provision made by or under an enactment prohibiting or restricting the use of any road by vehicular traffic;
- (b) on an application to record a change in the operator’s address.

(4) The fee to be paid under paragraph (2) must be paid by the operator within the period of 10 working days beginning with the day on which the local transport authority requests it, any such request to be made after the application is made.”.

(7) In regulation 13(1), for “This regulation applies” substitute “Except where alternative requirements are specified by an enhanced partnership scheme under section 138C(3) of the Transport Act 2000, this regulation applies”.

(8) In the Schedule, in Part 1, after paragraph 5 insert—

“6. Whether the service is subject to a requirement imposed by an enhanced partnership scheme under section 138C(1) of the Transport Act 2000 and, if so, details of the requirement or requirements to which the service is subject.

7. Whether the service is subject to a requirement imposed by an enhanced partnership scheme under section 138C(3) of the 2000 Act and, if so, details of the requirement or requirements to which the service is subject.”.

PART 4

Review

Review

- 21.**—(1) The Secretary of State must from time to time—
- (a) carry out a review of the regulatory provision contained in these Regulations, and
 - (b) publish a report setting out the conclusions of the review.
- (2) The first report must be published before the end of the period of five years beginning with the day on which these Regulations come into force.
- (3) Subsequent reports must be published at intervals not exceeding five years.
- (4) Section 30(4) of the Small Business, Enterprise and Employment Act 2015(a) requires that a report under this regulation must, in particular—
- (a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph (1)(a);
 - (b) assess the extent to which those objectives are achieved;
 - (c) assess whether those objectives remain appropriate; and
 - (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.
- (5) In this regulation, “regulatory provision” has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).

Signed by authority of the Secretary of State for Transport

16th September 2019

Vere
Parliamentary Under Secretary of State
Department for Transport

SCHEDULE

Regulations 8 to 11

Information to be included in notices

PART 1

Information to be included in a notice of intention to cancel the registration of a service given under regulation 8(2) or 9(2)

- 1.** A statement by a traffic commissioner or the local transport authority (as the case may be)—
 - (a) that it considers that the operator to whom the notice of intention to cancel is addressed is not complying with one or more operation requirements;
 - (b) setting out the reasons for reaching its consideration that the requirement or requirements are not being complied with; and
 - (c) setting out the details of the requirement or requirements.
- 2.** The name and address of the operator.
- 3.** The registration number of the service or services (as the case may be).

(a) 2015 c. 26.

4. The name of every relevant local transport authority to whom the notice of intention to cancel is being given.

PART 2

Information to be included in a notice of compliance given under regulation 8(4) or 9(5)

1. The registration number of the service or services (as the case may be).
2. A statement by the operator stating that it considers that it is complying with the operation requirement or requirements referred to in the notice of intention to cancel given under regulation 8(2) or 9(2) (as the case may be).
3. Any evidence the operator believes supports its belief that the requirement or requirements are being complied with.

PART 3

Information to be included in a notice containing a decision made under section 6E(2), (3) or (4) of the 1985 Act

1. Details of the operation requirement or requirements or route requirement or requirements regarding which the decision concerns.
2. The name and address of the operator, and the registration number of the particular service or services (as the case may be) a traffic commissioner or local transport authority (as the case may be) considers is not complying with the operation requirement or requirements or route requirement or requirements (as the case may be).
3. A traffic commissioner's or local transport authority's (as the case may be) decision and the reasons for reaching that decision.
4. A list of the evidence upon which a traffic commissioner or local transport authority (as the case may be) has relied in reaching its decision.
5. The date on which the cancellation, if any, is to take effect.
6. Where an application to vary or cancel a service is made under section 6(7) of the 1985 Act and is accepted prior to the notice containing a decision made under section 6E(2), (3) or (4) of the 1985 Act being sent, the date from which any such cancellation or variation is to have effect.
7. A statement confirming that if an appeal is lodged against a decision to cancel, the cancellation will be postponed.

PART 4

Information to be included in a notice of intention to cancel the registration of a service under regulation 10(2) or 11(2)

1. Details of the service or services (as the case may be) intended to be cancelled including the registration number of the service or services (as the case may be).
2. The name of the operator or operators of the service or services to be cancelled.
3. Details of the route requirement or requirements that a traffic commissioner considers the service or services cannot be provided in accordance with.

PART 5

Information to be included in a notice of compliance under regulation 10(4) or 11(4)

1. Details of the route requirement or requirements identified in the notice of intention to cancel in accordance with which the operator believes the service or services it operates will be operated.
2. The registration number of the service or services (as the case may be).
3. Details of any relevant qualifying agreement made under Schedule 10 of the 2000 Act.
4. Details of any application made, or intended to be made, to vary or cancel a service, by the operator under section 6(7) of the 1985 Act and the dates from which any such cancellations or variations are to have effect.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 6 of the Transport Act 1985 provides that no local bus service may be operated unless the operator of the service has registered the prescribed particulars of that service with a traffic commissioner.

These Regulations set out the requirements relating to, and procedures to be followed by, local transport authorities, bus operators and a traffic commissioner, where an enhanced partnership scheme is in place.

Regulation 3 sets out the information which is to be included in the notice that a local transport authority or authorities must give to a traffic commissioner when an enhanced partnership plan or scheme is made or varied. This includes details relating to the area of the scheme, the services being operated and any requirements to which the services are subject.

Regulation 4 sets out the information which is to be included in the notice that a local authority or authorities must give a traffic commissioner as to whether or not an enhanced partnership scheme being made or varied specifies a route requirement. This includes details relating to the operator and the service, as well as any requirements to which the service may be subject and details of the specific route requirement.

Regulation 5 requires the local transport authority to notify operators of any delegation to it of the relevant registration functions relating to services being operated wholly within the area to which the scheme relates.

Regulation 6 sets out the information a local transport authority, to which the relevant registration functions for an enhanced partnership scheme have been delegated, must include in a statement the local transport authority must publish at least once a fortnight in respect of the registered, varied or cancelled services.

Regulation 7 requires the local transport authority, to which the relevant registration functions for an enhanced partnership scheme have been delegated, to keep a record of the prescribed particulars of all services, variations and cancellations.

Regulation 8 sets out the process for cancelling the registration of a service where an operational requirement of the enhanced partnership plan or scheme is not being complied with and the relevant registration functions have not been delegated. A traffic commissioner must send to the operator of the service and the relevant local authority or authorities a notice of intention to cancel. In response, the operator can send a notice of compliance to a traffic commissioner. A traffic commissioner must send to the operator, and also publish, a notification of its decision on whether or not to cancel to the service. If the decision is not appealed, the service will be cancelled. If the decision is appealed, the cancellation is postponed until the appeal is heard. A traffic commissioner may also postpone or revoke a cancellation on a request by the relevant local transport authority.

Regulation 9 sets out the process for cancelling the registration of a service where an operational requirement is not being complied with and the relevant registration functions have been delegated to a local transport authority. The local transport authority must send to the operator of the service and every other relevant local transport authority a notice of intention to cancel. In response, the operator can send a notice of compliance to the local transport authority. The local transport authority must send to the operator, and also publish, a notification of its decision on whether or not to cancel the service. If the decision is not appealed, the service will be cancelled. If the decision is appealed, the cancellation is postponed until the appeal is heard. The local transport authority may also postpone or revoke a cancellation.

Regulation 10 sets out the process for cancelling the registration of a service where a route requirement is not being complied with and the relevant registration functions have not been delegated. A traffic commissioner must send to all the operators of services subject to the route requirement, and the relevant local authority or authorities, a notice of intention to cancel. In response, an operator can send a notice of compliance to a traffic commissioner. The local transport authority may notify a traffic commissioner and the operators of their preferred date of cancellation. A traffic commissioner must send to the local transport authority and the operators, and also publish, a notification of its decision on whether to cancel the service. If the decision is not appealed, the service will be cancelled. If the decision is appealed, the cancellation is postponed until the appeal is heard. A traffic commissioner may also postpone or revoke a cancellation on a request by the relevant local transport authority.

Regulation 11 sets out the process for cancelling the registration of a service where a route requirement is not being complied with and the relevant registration functions have been delegated. The local transport authority must send to all the operators of services subject to the route requirement and the relevant local authority or authorities a notice of intention to cancel. In response, an operator can send a notice of compliance to the local transport authority. The local transport authority must notify the operators of, and publish, its decision on whether to cancel the service. If the decision is not appealed, the service will be cancelled. If the decision is appealed, the cancellation is postponed until the appeal is heard. The local transport authority may also postpone or revoke a cancellation.

Regulation 12 sets out the process to be followed where, following a cancellation due to a route requirement not being complied with, an application has been made to register or vary a service which would itself be subject to the route requirement. A traffic commissioner or local transport authority must refuse to register the application if it has been made by the operator that received the notice of cancellation. A traffic commissioner or local transport authority must revoke the cancellation if the application has not been made by the operator that received the notice of cancellation and send a new notice of intention to cancel to the original recipients, as well as the applicant.

Regulation 13 prevents the registration, or variation of registration, of a service where a route requirement has effect and a traffic commissioner considers that the service would be unlikely to be able to comply with the requirement unless the reason is solely that the registration or variation would exceed the number of vehicles allowed on the route by the requirement.

Regulations 14 to 17 set out the process to be followed in tendering for services to replace those cancelled as a result of a failure to meet a route requirement. Regulation 14 requires a local transport authority to issue an invitation for tenders for the award of a slot allocation contract. This regulation also sets out the relevant evaluation criteria for the procurement of such contracts. Regulations 15 and 16 set out the circumstances in which a slot allocation contract is excluded from the requirement of a competitive procurement. Regulation 17 sets out the information which is to be included in the notice that a local transport authority must give to a traffic commissioner when it issues an invitation for tenders for a slot allocation contract. This includes details about the decision to cancel the service, the requirements which must be implemented and the dates of the tender and expiry of the slot allocation contract.

Regulation 18 requires co-operation between a traffic commissioner and a local transport authority for the area of an enhanced partnership scheme in a case where they are both exercising relevant

registration functions. In this case traffic commissioners and local transport authorities are also obliged to provide each other with information within a prescribed time limit.

Regulation 19 provides for the extension of the time periods within which certain notifications must be provided.

Regulation 20 amends the Public Service Vehicles (Registration of Local Services) Regulations 1986 to provide for where relevant registration functions have been delegated to a local transport authority. This includes determining the amount of the fee that a local transport authority can charge under section 6H of the Transport Act 1985.

Regulation 21 requires the Secretary of State to carry out a review of these Regulations.

An impact assessment was prepared for the Bus Services Bill and was updated to take account of the effect that this instrument will have on the costs of the private, public and voluntary sectors. It is available from the Buses and Taxis Division, Department for Transport, Great Minster House, 33 Horseferry Road, London SW1P 4DR. An explanatory memorandum for this instrument has been published alongside these Regulations at www.legislation.gov.uk.

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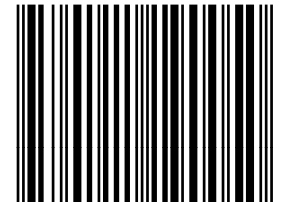
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