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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2024 No.**

**The Bus Services Improvement Partnerships  
(Objections) (Scotland) Regulations 2024**

**Sufficient number of persons**

5.—(1) For the purposes of paragraph 5(1) of schedule A1 of the 2001 Act, the number of persons who, on the relevant day (as defined in paragraph 4(3) of that schedule), are operators of qualifying local services in the areas mentioned in that paragraph, and who have objected under that paragraph, is a sufficient number of persons if either paragraph (5) or (6) applies.

(2) For the purposes of paragraph 7(4) of schedule A1 of the 2001 Act, the number of persons who, on the relevant day (as defined in paragraph 7(6) of that schedule), are operators of qualifying local services in the areas mentioned in that paragraph, and who have objected under that paragraph, is a sufficient number of persons if either paragraph (5) or (6) applies.

(3) For the purposes of paragraphs 15(1) and 17(4) of schedule A1 of the 2001 Act, the number of persons who are operators of qualifying local services in the areas mentioned in those paragraphs at the qualifying time for the purposes of those paragraphs (as defined in regulation 3), and who have objected under those paragraphs, is a sufficient number of persons if either paragraph (5) or (6) applies.

(4) For the purposes of paragraph 24 of schedule A1 of the 2001 Act, the number of persons who are operators of qualifying local services in the areas specified in regulation 2(2)(b) and (c) at the qualifying time for the purposes of that paragraph (as defined in regulation 3), and who have objected under that paragraph, is a sufficient number of persons if either paragraph (5) or (6) applies.

(5) This paragraph applies where on the relevant day, or at the qualifying time, as the case may be—

(a) the total number of operators of qualifying local services in an area—

(i) is fewer than three and all of those operators object,

(ii) is three or more and at least two of those operators object, and

(b) the registered distance of the qualifying local services operated in an area by those who have objected is at least 20% of the registered distance of all such services operated by all operators in that area.

(6) This paragraph applies where on the relevant day, or at the qualifying time, as the case may be—

(a) the number of operators of qualifying local services who have objected is at least 50% of the total number of operators of qualifying local services in an area, and

(b) the registered distance of all qualifying local services operated in an area by those who have objected is at least 10% of the registered distance of all such services operated by all operators in that area.

(7) For the purposes of this regulation, where—

(a) one or more operators of a qualifying local service in an area are subsidiaries of another operator in the same area,

- (b) two or more operators of a qualifying local service in an area are subsidiaries of the same operator in another area,
  - (c) two or more operators are subsidiaries of the same holding company,
- both or all of those operators are to be treated as one operator, and in this paragraph “subsidiary” and “holding company” have the meanings given by section 1159 of the Companies Act 2006<sup>(1)</sup>.

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(1) 2006 c. 46.