
SCOTTISH STATUTORY INSTRUMENTS

2012 No. 32

The Public Service Vehicles (Registration of Local Services) (Scotland) Amendment Regulations 2012

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Public Service Vehicles (Registration of Local Services) (Scotland) Amendment Regulations 2012 and come into force on 1st April 2012.

(2) In these Regulations, “the principal Regulations” means the Public Service Vehicles (Registration of Local Services) (Scotland) Regulations 2001(1).

Amendment of the principal Regulations

2.—(1) The principal Regulations are amended as follows.

(2) In regulation 2 (interpretation)—

(a) in paragraph (1) after the definition of “destination”, insert—

““enactment” includes an enactment comprised in, or is an instrument made under, an Act of the Scottish Parliament;

“fixed stopping place” means a stopping place at a fixed location;”;

(b) in the table in paragraph (2), omit the entry in respect of “bus substitution service”; and

(c) after paragraph (2), insert—

“(2A) In these Regulations—

(a) a reference to a flexible service is a reference to a service—

(i) which serves one or more local communities or neighbourhoods within a specific geographical area;

(ii) which, while it may have fixed sections of route, is in the entirety of its operation so flexible that it is not practicable to identify in advance all the roads to be traversed at any given time;

(iii) which is provided primarily for the purpose of carrying passengers who have booked in advance of the journey and whose collective requirements determine the route of each journey notwithstanding that other persons may also be travelling;

(iv) all the seats of which are available for use by members of the general public; and

(v) which is provided in consideration of the payment of individual passenger fares which are not subject to variation according to the number of passengers carried on the journey; and

(b) a reference to a standard service is a reference to any other service.”.

(3) For regulation 5 (prescribed particulars) substitute—

“5. The following particulars are prescribed for the purposes of section 6(2)(a) of the 1985 Act:—

- (a) in the case of every service, the particulars specified in Part 1 of Schedule 1;
- (b) in the case of a standard service, the further particulars specified in Part 2 of Schedule 1; and
- (c) in the case of a flexible service, the further particulars specified in Part 3 of Schedule 1.”.

(4) In regulation 7(2)(b) (alteration of notice periods at a traffic commissioner’s discretion) for “service” substitute “standard service”.

(5) For regulation 8(2) (exclusions from notice requirements) substitute—

“(2) The cases referred to in paragraph (1) are cases—

- (a) where the registration is varied only to enable the operator of the service to comply with a traffic regulation condition or any other provision made by or under an enactment prohibiting or restricting the use of any road by vehicular traffic;
- (b) where the registration is varied only in respect of a change in the operator’s address; or
- (c) where the service is a bus substitution service.

(3) In this regulation “bus substitution service” has the meaning given by section 83(1) of the Railways Act 1993(2).”.

(6) For regulation 13(3) (applications on which no fee is payable) substitute—

“(3) No fee is payable—

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

(7) For regulation 14 (fare tables, timetables and destination and route number notices) substitute—

“Display of service information in and on vehicles

14.—(1) This regulation applies to every vehicle except a vehicle being used—

- (a) under a special licence; or
- (b) to provide an excursion or tour.

(2) While a vehicle is being used to provide a standard service, the operator must either display inside the vehicle in a manner clearly legible to passengers or have available on the vehicle for passengers who request them—

- (a) a fare table containing sufficient information to enable a passenger to ascertain without difficulty the fare for that person’s journey; and
- (b) a timetable containing at least the information specified in paragraph 5 of Part 1 and paragraph 3(b) of Part 2 of Schedule 1.

(3) While a vehicle is being used to provide a flexible service, the operator must display inside the vehicle information about fares (whether in the form of a fare table or otherwise)

(2) 1993 c.43. Section 83 was amended by paragraph 13(b) of Schedule 11 to the Railways Act 2005 (c.14).

which is both clearly legible to passengers and is formulated in such a manner that a passenger may ascertain the fare for that person's journey without difficulty.

(4) While a vehicle is being used to provide a standard service, the operator must display in a position clearly legible from the outside of the vehicle—

- (a) a notice indicating the destination or, as the case may be, the route of the service; and
- (b) either the service number or the name by which it is known.

(5) While a vehicle is being used to provide a flexible service, the operator must display in a position clearly legible from the outside of the vehicle the name by which the service is known.

Information about flexible services

15. The operator of a flexible service must make available, in any reasonably accessible form, to all persons who may wish to use the service—

- (a) details of the nature of the service, including at least—
 - (i) a description of the area of its operation; and
 - (ii) a statement setting out the features mentioned in regulation 2(2A)(a)(iii) and (iv);
- (b) information about fares formulated in such a manner (whether as a table of fares or otherwise) that a person may ascertain the fare for that person's journey without difficulty; and
- (c) the information specified in paragraphs 4, 5 and 6 of Part 3 of Schedule 1.

Records of operation of flexible services

16.—(1) Where so required by the traffic commissioner (whether at the time of registration of the service or later) the operator of a flexible service must record and maintain, in any reasonably accessible form, the following information (“the specified information”) in respect of every journey made by a vehicle operating the service:—

- (a) the date the journey was made;
- (b) the names of all passengers who were booked to travel (whether or not they actually travelled) and details of how each such passenger may be contacted;
- (c) the time when and place where it was agreed or otherwise determined that each passenger who travelled should be taken up and set down; and
- (d) the actual time and place at which each passenger was taken up and set down.

(2) The operator must keep the specified information for a period of one year after the relevant journey was made or for such longer period as the traffic commissioner may specify for the purpose of enabling the commissioner to perform that person's functions under any enactment.

(3) When reasonably required to do so by the traffic commissioner (or by one of that person's officers or servants) in connection with the performance of such functions the operator must produce, or make available for inspection, any part of the specified information.

(4) An operator may, instead of personally recording and maintaining the specified information, cause it to be recorded and maintained by another person on behalf of the operator and in such a case that other person is under the duties imposed on the operator by paragraphs (2) and (3).”.

(8) For Schedule 1 (particulars of the service) there is substituted the Schedule 1 set out in the Schedule to these Regulations.

Transitional provisions

3.—(1) This regulation applies in relation to a service (the “current service”) which, immediately before the date on which these Regulations come into force, is registered under section 6 of the Transport Act 1985(3) in accordance with the provisions of the principal Regulations in force at that time.

(2) Where this regulation applies, until the date specified in paragraph (3)—

- (a) the principal Regulations will have effect as amended by these Regulations, but as if the provisions of these Regulations specified in paragraph (5) were omitted; and
- (b) the current service may be operated, or continue to be operated, in accordance with the principal Regulations as so amended.

(3) The date referred to is the date on which the first variation of the registration after the coming into force of these Regulations becomes effective under section 6(8) of the Transport Act 1985.

(4) For the purposes of paragraph (3), a variation made in any of the circumstances described in regulations 7(2) and 8(2)(c) of the principal Regulations (as they have effect in relation to a current service) is to be ignored.

(5) The provisions referred to in paragraph (2)(a) are—

- (a) regulation 2(2)(c), (3), (4) and (7);
- (b) in regulation 2(5), the substituted regulation 8(2)(b); and
- (c) in regulation 2(6), the substituted regulation 13(3)(b).

St Andrew’s House,
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KEITH BROWN
Authorised to sign by the Scottish Ministers