
SCOTTISH STATUTORY INSTRUMENTS

2012 No. 32

PUBLIC PASSENGER TRANSPORT

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

Made - - - - 8th February 2012
Laid before the Scottish Parliament - - - - 10th February 2012
Coming into force - - 1st April 2012

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 6(2)(a), (3)(a), (8)(a) and (9) of the Transport Act 1985⁽¹⁾ and by section 60(1)(e) and (f) and (1A) of the Public Passenger Vehicles Act 1981⁽²⁾ and of all other powers enabling them to do so.

In accordance with section 61(2) of the Public Passenger Vehicles Act 1981⁽³⁾ they have consulted with such representative organisations as they think fit.

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⁽⁴⁾.

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;

(1) 1985 c.67; section 6 was amended by section 46 of the [Transport \(Scotland\) Act 2001 \(asp 2\)](#). Section 134 and 135 of the Transport Act 1985 provide that sections 60 and 61 of the Public Passenger Vehicles Act 1981 will have effect as if Parts I and II of the Transport Act 1985 were contained in that Act. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the [Scotland Act 1998 \(c.46\)](#).

(2) 1981 c.14. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the [Scotland Act 1998 \(c.46\)](#). See section 60(2) of the 1981 Act for definitions of “prescribed” and “regulations”.

(3) Section 61(2) was amended by section 135(1) of the Transport Act 1985.

(4) [S.S.I. 2001/219](#). Relevant amendments made by [S.S.I. 2001/251](#) and [2005/346](#).

- “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(5).”.

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

“(3) No fee is payable—

(5) 1993 c.43. Section 83 was amended by paragraph 13(b) of Schedule 11 to the Railways Act 2005 (c.14).

- (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) 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(6) 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,
Edinburgh
8th February 2012

KEITH BROWN
Authorised to sign by the Scottish Ministers

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SCHEDULE

Regulation 2(8)

SUBSTITUTED SCHEDULE TO THE PRINCIPAL REGULATIONS

“SCHEDULE 1

Regulation 5

PART 1

Particulars applicable to all services

1. The name and address of the operator of the service.
2. The number of the operator’s public service vehicle operator’s licence or community bus permit (save where, by virtue of any enactment, the operator is not required to hold such a licence or permit).
3. The date on which the service is to start.
4. The service number or, if it has no number, the name by which it is to be known.
5. The times during the year when the service will be provided.

PART 2

Further particulars applicable to standard services

1. The principal starting and finishing points of the service.
2. A statement of whether the service consists of excursions or tours.
3. If the service does not consist of excursions or tours—
 - (a) a description of the route, including details of alternative sections of route where it may be modified for the purpose of particular journeys, which is sufficient to identify the roads to be traversed, together with a map of a scale not smaller than 1:50,000 showing those roads;
 - (b) a timetable for the service indicating the proposed times (on the days when the service is to run) of individual services at principal points on the route, save where the service interval is 10 minutes or less when a statement of that fact may be given; and
 - (c) an indication of the stopping places where the vehicles used on the service will stand for longer than the time required to pick up or set down passengers.
4. If the service does consist of excursions or tours—
 - (a) an outline of the route indicating the points, other than the starting point, where passengers will be taken up; and
 - (b) the maximum number of vehicle departures to be made on any one day.
5. Details of stopping arrangements, including (in appropriate cases)—
 - (a) details of whether all the marked or generally recognised stopping places on the route will be used habitually and, if not, what the stopping arrangements at those places will be; and
 - (b) details of any sections of the route where passengers will be taken up and set down upon signalling their wishes to the driver of the vehicle.
6. A description of any reversing and other manoeuvres which will result in a vehicle returning along part of its route.

PART 3

Further particulars applicable to flexible services

1. A description of the area of operation of the service, accompanied by a map of a scale not smaller than 1:50,000 showing the sections of flexible operation and fixed sections of route (if any).
2. Details of any fixed stopping places and the stopping arrangements at those places (including whether all the specified fixed stopping places will be in use at all operating times and, if not, what the stopping arrangements will be at those places).
3. An indication of any fixed stopping places where the vehicles used on the service may or will stand for longer than the time required to pick up or set down passengers.
4. The terms on which, and the methods by which, journeys may be booked, including—
 - (a) the times when a booking for a particular journey may be made;
 - (b) the means of identifying where a passenger may be taken up or set down otherwise than at fixed stopping places; and
 - (c) whether the travel demands of every prospective passenger will be met and, if not, what arrangements (if any) will be made where a person's demands cannot be met.
5. Subject to paragraph 6, the timing of the service, including—
 - (a) in the case of a service having fixed stopping places on its route, a timetable indicating the proposed times (on the days when the service is to run) of individual services at those stopping places; and
 - (b) in every case, the means of determining the time at which a passenger may be taken up or set down in the sections of flexible operation.
6. Where it is impracticable to specify an exact time of arrival at, or departure from, a fixed stopping place or other point within the area of operation, a time window (that is to say a period of time during which a vehicle is intended to arrive/depart) may be specified instead, the time window to be of an appropriate length but not longer than 20 minutes unless the traffic commissioner is satisfied in an exceptional case that it is reasonable for a longer period to be allowed.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Public Service Vehicles (Registration of Local Services) (Scotland) Regulations 2001 by—

- (a) prescribing new particulars which must be registered before a local service may be provided and specifying two classes of service, standard and flexible, for that purpose (regulation 2(2) and (3) and the Schedule);
- (b) making minor amendments to the provisions about notice periods and minor service variations (regulation 2(4) and (5));

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- (c) making new provision for the display of service information in and on vehicles and the publication of information about flexible services and imposing requirements as to the records which must be kept about the operation of flexible services (regulation 2(7)); and
- (d) making minor and consequential amendments.

The Regulations also contain transitional provisions to preserve the validity of an existing registration until such time as an application made to vary the registration takes effect. There are some exceptions to that rule (regulation 3).

A Business and Regulatory Impact Assessment covering these Regulations and the Bus Service Operators Grant (Scotland) Amendment Regulations 2012 has been prepared and may be viewed at <http://home.scotland.gov.uk>.