

**2023 No. 368**

**TRANSPORT**

**The Bus Services Improvement Partnerships and Local Services  
Franchises (Provision of Information) (Scotland) Regulations  
2023**

*Made* - - - - *5th December 2023*

*Laid before the Scottish Parliament* *7th December 2023*

*Coming into force* - - *1st April 2024*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 3K(11), 13R(11) and 81(2) of the Transport (Scotland) Act 2001(a) and all other powers enabling them to do so.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Bus Services Improvement Partnerships and Local Services Franchises (Provision of Information) (Scotland) Regulations 2023 and come into force on 1 April 2024.

(2) In these Regulations, “the 2001 Act” means the Transport (Scotland) Act 2001.

**Relevant information: bus services improvement partnerships**

2.—(1) For the purposes of section 3K of the 2001 Act (provision of information: bus services improvement partnerships), information is relevant information if it is about—

- (a) how and when passengers use relevant local services,
- (b) how and when relevant local services are likely to be used by passengers once the partnership plan or scheme has been made or, as the case may be, varied,
- (c) the structure of fares for journeys on relevant local services,
- (d) the types of—
  - (i) tickets used by passengers,
  - (ii) tickets used by particular types of passengers,on relevant local services,
- (e) the time taken for journeys, and parts of journeys, on relevant local services including information about adherence to timetables at all times or at certain times of the day,
- (f) the total distance covered by vehicles used by the operator in operating relevant local services,

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(a) 2001 asp 2. Section 3K was inserted by section 35 of the Transport (Scotland) Act 2019 (asp 17). Section 13R was inserted by section 38 of the Transport (Scotland) Act 2019.

- (g) the total registered distance of relevant local services,
- (h) the vehicles used by the operator in operating relevant local services, including information about the age of those vehicles, emissions and types of fuel or power,
- (i) the result of any activities undertaken with a view to promoting increased passenger use of relevant local services,
- (j) whether the operator of relevant local services is a subsidiary and, if the operator is a subsidiary, the name of the holding company,
- (k) the particulars of the registration of relevant local services under section 6 of the Transport Act 1985(a).

(2) Information of a description specified in paragraph (1) is relevant information for the purposes of section 3K of the 2001 Act only if it is information that—

- (a) the operator possesses or controls, and
- (b) relates to periods that fall not more than five years before the date on which the local transport authority requires the operator to provide it.

(3) In this regulation—

“holding company” has the meaning given by section 1159 of the Companies Act 2006(b),

“registered distance” has the meaning given by regulation 1(3) of the Bus Services Improvement Partnerships (Objections) (Scotland) Regulations 2024(c),

“relevant local services” means—

- (a) where the local transport authority is exercising a function referred to in section 3K(1)(a) of the 2001 Act (preparing and making a partnership plan or scheme), local services operated by the operator in the local transport authority’s area, or any part of it,
- (b) where the local transport authority is exercising a function referred to in section 3K(1)(b) of the 2001 Act (reviewing the effectiveness of a partnership plan or scheme), local services operated by the operator in the area covered by the partnership plan or, as the case may be, partnership scheme,
- (c) where the local transport authority is exercising a function referred to in section 3K(1)(c) of the 2001 Act (determining whether and how to vary, or revoke, a partnership plan or scheme)—
  - (i) the area covered by the partnership plan or, as the case may be, partnership scheme,
  - (ii) the area that would be covered by the partnership plan or, as the case may be, partnership scheme if it was varied as proposed,

“subsidiary” has the meaning given by section 1159 of the Companies Act 2006.

### **Relevant information: local services franchises**

**3.—**(1) For the purposes of section 13R of the 2001 Act (provision of information: local services franchises), information is relevant information if it is about—

- (a) the total number of journeys undertaken by passengers on relevant local services,
- (b) how and when passengers use relevant local services,
- (c) the structure of fares for journeys on relevant local services,
- (d) the types of—
  - (i) tickets used by passengers,
  - (ii) tickets used by particular types of passengers,
 on relevant local services,

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(a) 1985 c. 67.  
 (b) 2006 c. 46.  
 (c) S.S.I. 2024/XXX.

- (e) the revenue received from relevant local services, including information about the revenue attributable to particular types of fares, derived from journeys undertaken on particular parts of those local services, or from advertising,
- (f) the fixed and variable costs incurred by the operator in operating relevant local services,
- (g) the vehicles used by the operator in operating relevant local services, including information about the age of those vehicles, emissions and types of fuel or power,
- (h) the total distance covered by vehicles used by the operator in operating relevant local services,
- (i) persons employed by the operator in the provision of relevant local services,
- (j) journeys that the operator has forecast will be undertaken by passengers on relevant local services and revenue that the operator has forecast will be received from those local services.

(2) Information of a description specified in paragraph (1) is relevant information for the purposes of section 13R of the 2001 Act only if it is information that—

- (a) the operator possesses or controls, and
- (b) relates to periods that fall not more than five years before the date on which the local transport authority requires the operator to provide it.

(3) In this regulation, “relevant local services” means—

- (a) where the local transport authority is exercising a function referred to in section 13R(1)(a) of the 2001 Act (preparing and making a franchising framework), local services operated by the operator in the local transport authority’s area, or any part of it,
- (b) where the local transport authority is exercising the function referred to in section 13R(1)(b) of the 2001 Act (reviewing the effectiveness of a franchising framework), local services operated by the operator in the area covered by the franchising framework,
- (c) where the local transport authority is exercising a function referred to in section 13R(1)(c) of the 2001 Act (determining whether and how to vary, or revoke, a franchising framework)—
  - (i) local services operated by the operator in the area covered by the franchising framework,
  - (ii) local services operated by the operator in the area that would be covered by the franchising framework if it were varied as proposed.

*FIONA HYSLOP*

Authorised to sign by the Scottish Ministers

St Andrew’s House,  
Edinburgh  
5th December 2023

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations specify the information that a local transport authority may require from an operator under sections 3K and 13R of the Transport (Scotland) Act 2001 (“the 2001 Act”).

Section 3K(2) of the 2001 Act enables a local transport authority to require an operator of a local service in the local transport authority’s area to provide the local transport authority with relevant information relating to functions listed in section 3K(1) connected to bus services improvement partnerships. Section 3K(11) provides that the meaning of “relevant information” is to be specified in regulations made by the Scottish Ministers. Regulation 2 of these Regulations specifies the types of information that are “relevant information” for the purposes of section 3K.

Section 13R(2) of the 2001 Act enables a local transport authority to require an operator of a local service in the local transport authority’s area to provide the local transport authority with relevant information relating to functions listed in section 13R(1) connected to local services franchises. Section 13R(11) provides that the meaning of “relevant information” is to be specified in regulations made by the Scottish Ministers. Regulation 3 of these Regulations specifies the types of information that are “relevant information” for the purposes of section 13R.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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