



Bus Services Act 2017

2017 CHAPTER 21

Advanced quality partnership schemes

1 Advanced quality partnership schemes

In Part 2 of the Transport Act 2000 (local transport), after section 113B insert—

“Bus services: advanced quality partnership schemes

113C Advanced quality partnership schemes

- (1) A local transport authority whose area is in England, or two or more such authorities acting jointly, may make an advanced quality partnership scheme if they are satisfied that the scheme will contribute to the implementation of their local transport policies.
- (2) An advanced quality partnership scheme is—
 - (a) a scheme falling within subsection (3) or (4), or
 - (b) a scheme falling within both subsection (3) and subsection (4).
- (3) A scheme falls within this subsection if it is a scheme under which—
 - (a) the authority or authorities provide particular facilities in the whole or part of their area, or combined area, and
 - (b) operators of local services who wish to use those facilities must undertake to provide local services of a particular standard when using them.
- (4) A scheme falls within this subsection if it is a scheme under which—
 - (a) the authority or authorities take particular measures in relation to routes in the whole or part of their area, or combined area, that are served, or proposed to be served, by local services, and
 - (b) operators of local services who wish to provide local services with stopping places on those routes must undertake to provide local

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services of a particular standard when providing such local services on those routes.

- (5) A scheme may not be made unless the authority or authorities are satisfied that—
- (a) the steps to be taken by the authority or authorities under the scheme, and
 - (b) the provision of local services of the standard or standards required by undertakings given under the scheme,
- are likely to achieve one or more of the outcomes described in subsection (6) in relation to the whole or part of their area, or combined area.
- (6) The outcomes mentioned in subsection (5) are—
- (a) an improvement in the quality of local services that benefits persons using those services;
 - (b) a reduction or limitation of traffic congestion, noise or air pollution;
 - (c) an increase in the use of local services or an end to, or a reduction in, a decline in the use of local services.
- (7) An advanced quality partnership scheme may not be made unless the authority or authorities have complied with the notice and consultation requirements imposed by section 113G.
- (8) The power to make an advanced quality partnership scheme includes power to provide for—
- (a) different facilities to be provided under the scheme,
 - (b) different measures to be taken under the scheme, or
 - (c) different standards of services to be provided under the scheme,
- as from different dates after the scheme comes into operation.
- (9) An advanced quality partnership scheme must include a description of the authority's or authorities' plans for consulting such organisations appearing to the authority or authorities to be representative of users of local services as they think fit in order to seek their views on how well the scheme is working.
- (10) In carrying out their functions under this Part in relation to advanced quality partnership schemes, local transport authorities whose areas are in England must co-operate with one another.
- (11) In considering whether to make an advanced quality partnership scheme, a local transport authority must have regard to the desirability, in appropriate cases, of making a scheme jointly with another such authority.

113D Advanced quality partnership schemes: registration restrictions

- (1) If the authority or authorities making an advanced quality partnership scheme consider that it is necessary or expedient for any restrictions to be imposed on the registration of—
- (a) any local services, or
 - (b) any local services of a particular description,
- they may impose those restrictions (“registration restrictions”) by specifying or describing them in the scheme.

- (2) Any restrictions so imposed must be for the purpose of preventing or restricting—
 - (a) the provision of local services, or
 - (b) the variation or withdrawal of local services,in cases where the authority or authorities consider that any such provision, or (as the case may be) variation or withdrawal, of services might be detrimental to the provision of services under the scheme.
- (3) Where a scheme includes any registration restrictions by virtue of subsection (1), it must also specify the criteria (“registration criteria”) by reference to which a traffic commissioner is to decide whether or not to accept an application for registration.
- (4) In this section “registration”, in relation to any service—
 - (a) means registration of prescribed particulars of the service under section 6 of the Transport Act 1985 (registration of local services), and
 - (b) includes a reference to the variation or cancellation of any such registration.

113E Advanced quality partnership schemes: facilities, measures and standards

- (1) The facilities which may be specified in an advanced quality partnership scheme—
 - (a) must be facilities provided at specific locations along routes served, or proposed to be served, by local services within the area to which the scheme relates, or facilities which are ancillary to such facilities, but
 - (b) may not be facilities which are required to be provided as a result of section 139 or 140.
- (2) The measures which may be specified in a scheme—
 - (a) must be measures taken for the purpose of—
 - (i) increasing the use of local services serving the routes to which the measures relate or ending or reducing a decline in the use of such services, or
 - (ii) improving the quality of local services serving the routes to which the measures relate, but
 - (b) may not include the provision of—
 - (i) facilities falling within subsection (1)(a), or
 - (ii) facilities which are required to be provided as a result of section 139 or 140.
- (3) The Secretary of State may by regulations make further provision about the measures which may or may not be specified in a scheme.
- (4) The standard of services which may be specified in a scheme includes—
 - (a) requirements which the vehicles being used to provide the services must meet, including requirements about emissions or types of fuel or power, and
 - (b) requirements as to frequency or timing of the services,

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but the specification of any such requirements is not to prevent operators from providing services in excess of those requirements.

- (5) The standard of services which may be specified in a scheme may also include—
- (a) requirements as to the maximum fares that may be charged for particular journeys, or for journeys of particular descriptions, on services to which the scheme applies,
 - (b) requirements as to the ways in which passengers may pay for journeys,
 - (c) requirements about providing information to the public about local services or particular descriptions of local services, and
 - (d) requirements as to the publicising of local services, fares or ticketing arrangements or particular descriptions of local services, fares or ticketing arrangements.
- (6) Requirements under subsection (5)(b), (c) and (d) may include requirements for operators of local services to co-operate with one another.
- (7) A scheme may include a requirement falling within subsection (4)(b) or (5)(a) only if there are no admissible objections to the requirement from relevant operators.
- (8) A scheme may include a requirement falling within subsection (4)(a) or (5)(b) that relates to an undertaking that would fall to be given under section 113C(4)(b) only if there are no admissible objections to the requirement from relevant operators.
- (9) Section 113N(3) to (8) makes further provision with respect to schemes which include the requirements referred to in subsections (7) and (8).

113F Advanced quality partnership schemes: traffic regulation orders

- (1) If the provision of any of the facilities or taking of any of the measures specified in an advanced quality partnership scheme requires the making of a traffic regulation order in respect of a road or other place in a metropolitan district (other than a road for which the Secretary of State is the traffic authority), the scheme may not be made unless it is made by—
- (a) the local transport authority or authorities, and
 - (b) the metropolitan district council for the district,
- acting jointly.
- (2) If the provision of any of the facilities or taking of any of the measures specified in an advanced quality partnership scheme requires the making of a traffic regulation order in respect of a road for which the Secretary of State is the traffic authority, the scheme may not be made unless it is made by—
- (a) the local transport authority or authorities, and
 - (b) the Secretary of State,
- acting jointly.
- (3) Where subsection (1) or (2) applies so that a metropolitan district council or the Secretary of State is a maker of the scheme, then (subject to section 113M) the relevant references to the authority or authorities include (as well as the local transport authority or authorities)—

- (a) the metropolitan district council, or
 - (b) the Secretary of State.
- (4) For the purpose of subsection (3) the relevant references are those in—
- (a) section 113C(3), (4), (5)(a) and (7), and
 - (b) sections 113G to 113L,
- and paragraph 27(2A) of Schedule 9 to the Road Traffic Regulation Act 1984.

113G Notice and consultation requirements

- (1) If an authority or authorities propose to make an advanced quality partnership scheme, they must give notice of the proposed scheme in such manner as they consider appropriate for drawing it to the attention of persons in the area to which it relates.
- (2) The notice must either contain full details of—
- (a) any facilities specified in the scheme,
 - (b) any measures specified in the scheme,
 - (c) the standards of services specified in the scheme,
 - (d) any registration restrictions and registration criteria specified in the scheme, and
 - (e) the plans described in the scheme for consulting in order to seek views on how well the scheme is working,
- or state where such details may be inspected.
- (3) After giving notice of the proposed scheme, the authority or authorities must consult—
- (a) all operators of local services who would, in the opinion of the authority or authorities, be affected by it,
 - (b) such organisations appearing to the authority or authorities to be representative of users of local services as they think fit,
 - (c) any other relevant local authority any part of whose area would, in the opinion of the authority or authorities, be affected by it,
 - (d) a traffic commissioner,
 - (e) the chief officer of police for each police area covering the whole or part of that area,
 - (f) the Passengers' Council,
 - (g) the Competition and Markets Authority, and
 - (h) such other persons as the authority or authorities think fit.
- (4) For the purpose of subsection (3)(c) the following are relevant local authorities—
- (a) local transport authorities,
 - (b) district councils in England,
 - (c) National Park authorities,
 - (d) the Broads Authority,
 - (e) London transport authorities, and
 - (f) councils in Scotland.

113H Making of scheme

- (1) If, after taking the steps described in section 113G, an authority or authorities decide that it is appropriate to make the advanced quality partnership scheme, they may make it as proposed or with modifications.
- (2) The scheme must specify each of the following—
 - (a) any facilities to be provided under it by the authority or authorities,
 - (b) any measures to be taken under it by the authority or authorities and the routes to which they relate,
 - (c) the standards of services to be provided under it by operators of local services in accordance with their undertakings given in relation to facilities or measures to be provided or taken under the scheme,
 - (d) any registration restrictions imposed by it and any registration criteria specified in it,
 - (e) the date on which it is to come into operation,
 - (f) the period for which it is to remain in operation, which must not be less than five years, and
 - (g) if—
 - (i) any facilities are to be provided under the scheme,
 - (ii) any measures are to be taken under the scheme, or
 - (iii) any standards of services are to be provided under the scheme,as from a date after the scheme comes into operation, the date as from which they are to be so provided or taken.
- (3) The scheme may provide that—
 - (a) local services specified in it, or
 - (b) local services of a class specified in it,are to be excluded from the scheme, subject to such conditions (if any) as may be specified in it.
- (4) The date as from which any particular facilities are to be provided, any particular measures are to be taken, or any services of a particular standard are to be provided, must not be earlier than—
 - (a) in the case of facilities or measures, the latest of dates A to C (see subsections (6) to (8)), and
 - (b) in the case of services, the later of dates A and D (see subsections (6) and (9)),unless the case falls within subsection (5).
- (5) If under the scheme—
 - (a) particular facilities are to be provided or particular measures are to be taken by the authority or authorities, and
 - (b) as from the date by which the facilities are to be provided or the measures are to be taken, services of a particular standard are to be provided by operators of local services when using the facilities or when providing local services with stopping places on routes to which the measures relate,

the date as from which the facilities are to be provided or the measures are to be taken (and as from which the services are to be provided) must not be earlier than the latest of dates A to D.

- (6) Date A is the date 3 months after the date on which the scheme is made.
- (7) Date B is the date by which, in the opinion of the authority or authorities, it will be reasonably practicable for the authority or authorities to provide the facilities or take the measures.
- (8) Date C is the date 3 months after—
 - (a) the date on which any traffic regulation order required for the provision of any of the facilities or taking of any of the measures is made, or
 - (b) if more than one such order is required for the provision of the facilities or the taking of the measures, the date on which the last of them is made.
- (9) Date D is the date by which, in the opinion of the authority or authorities, it will be reasonably practicable for operators of local services to provide services of the particular standard.
- (10) Not later than 14 days after the date on which the scheme is made, the authority or authorities must give notice of the making of the scheme—
 - (a) in such manner as they consider appropriate for drawing it to the attention of persons in the area to which it relates,
 - (b) to all operators of local services who would, in their opinion, be affected by the scheme, and
 - (c) to a traffic commissioner.
- (11) The notice must—
 - (a) either contain full details of the scheme or state where such details may be inspected, and
 - (b) if the scheme made is a modified version of that proposed, state that fact.

113I Postponement of scheme or of provision of particular facilities, taking of particular measures or provision of particular standards of service

- (1) If it appears to the authority or authorities appropriate to do so, they may decide that any of the dates specified in subsection (3) shall be postponed by such period as they think fit.
- (2) A date may not be postponed under subsection (1) by a period or periods which in total exceed 12 months.
- (3) The dates are—
 - (a) the date on which the scheme is to come into operation,
 - (b) the date as from which any particular facilities are to be provided under the scheme,
 - (c) the date as from which any particular measures are to be taken under the scheme, and
 - (d) the date as from which any particular services are to be provided to a particular standard under the scheme.

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- (4) Before making such a decision the authority or authorities must consult all operators of local services who would, in their opinion, be affected by the scheme.
- (5) Not later than 14 days after the date on which any such decision is made they must give notice of the decision—
 - (a) in such manner as they consider appropriate for drawing it to the attention of persons in the area to which it relates,
 - (b) to all operators of local services who would, in their opinion, be affected by the scheme, and
 - (c) to a traffic commissioner.

113J Effect of scheme

- (1) The authority or authorities must—
 - (a) provide each of the specified facilities or take each of the specified measures not later than the date specified for it to be provided or taken under the scheme, and
 - (b) continue to provide the facilities or keep the measures in effect throughout the remainder of the period for which the scheme is in operation.
- (2) But subsection (1) does not apply in relation to any period during which the authority or authorities are temporarily unable to provide the facilities or take the measures or keep the measures in effect owing to circumstances beyond their control.
- (3) Nor does it apply in the case of the Secretary of State if the Secretary of State is unable to provide the facilities or take the measures or keep the measures in effect owing to the variation or revocation of a traffic regulation order.
- (4) The operator of a local service may not use facilities provided under an advanced quality partnership scheme unless—
 - (a) the operator has given a written undertaking to a traffic commissioner that, when using the facilities on any date, the operator will provide the service to the standard specified in the scheme that is relevant to the use of those facilities on that date, and
 - (b) the operator provides the service to that standard when using the facilities, except in relation to any period during which the operator is temporarily unable to do so owing to circumstances beyond the operator's control.
- (5) Where a measure has been taken under an advanced quality partnership scheme, the operator of a local service may not use a stopping place on a route to which that measure relates unless—
 - (a) the operator has given a written undertaking to a traffic commissioner that, when using such a stopping place on any date, the operator will provide the service to the standard specified in the scheme that is relevant to the use of such a stopping place on that date, and
 - (b) the operator provides the service to that standard when using such a stopping place, except in relation to any period during which the

operator is temporarily unable to do so owing to circumstances beyond the operator's control.

- (6) But subsections (4) and (5) do not apply in relation to services which are excluded from the scheme as a result of any provision of the scheme made in accordance with section 113H(3).
- (7) Where the exclusion of a local service from the scheme is made subject to conditions as a result of such a provision, those conditions are to be treated, during any period in which the scheme is in operation, as if they were prescribed particulars of the service concerned registered under section 6 of the Transport Act 1985 (registration of local services).

113K Regulations about schemes involving existing facilities or measures which are already in effect

- (1) The Secretary of State may by regulations make provision about the specifying in advanced quality partnership schemes of—
 - (a) facilities which are already being provided before the schemes are proposed (“existing facilities”), and
 - (b) measures which are already in effect before the schemes are proposed (“existing measures”).
- (2) The regulations may in particular—
 - (a) provide that existing facilities may not be specified if they were being provided before a date prescribed by, or determined in accordance with, the regulations,
 - (b) provide that existing measures may not be specified if they were in effect before such a date,
 - (c) provide that—
 - (i) particular existing facilities or classes of existing facilities, or
 - (ii) particular existing measures or classes of existing measures,may not be specified (whenever they were first provided or taken),
 - (d) provide that—
 - (i) particular existing facilities or classes of existing facilities, or
 - (ii) particular existing measures or classes of existing measures,may be specified only in circumstances prescribed by the regulations,
 - (e) provide that, in circumstances prescribed by the regulations—
 - (i) particular existing facilities or classes of existing facilities, or
 - (ii) particular existing measures or classes of existing measures,may be specified only with the consent of a person prescribed by, or determined in accordance with, the regulations, and
 - (f) make provision modifying any provision of sections 113G to 113I in relation to schemes which specify existing facilities or existing measures.

113L Variation or revocation of schemes

- (1) The authority or authorities who made an advanced quality partnership scheme may vary the scheme if they decide that it is appropriate to do so.

- (2) The authority or authorities who made a scheme may revoke it before the end of the period for which it would otherwise remain in operation if all persons who have given an undertaking to provide a service to the standard specified in the scheme consent to the revocation of the scheme; and such consent must not be unreasonably withheld.
- (3) If the variation of a scheme under subsection (1) would require the making of a traffic regulation order, the variation is subject to the same procedure as the making of a scheme.
- (4) Any other variation of a scheme under subsection (1), or the revocation of a scheme under subsection (2), is subject to that procedure, except to the extent that the procedure is modified by regulations made under section 113N.

113M Variation: supplementary

- (1) The relevant references to the authority or authorities in relation to an advanced quality partnership scheme—
 - (a) include a local transport authority if it has been varied so that it relates to that authority's area, but
 - (b) do not include a local transport authority if it has been varied so that it no longer relates to that authority's area.
- (2) But if (although the scheme does not relate to a local transport authority's area) it would do by reason of a proposed variation, those references (apart from those in section 113J) include that authority.
- (3) The relevant references (apart from those in section 113C(1) and in the words before paragraph (a) of section 113C(5)) to the authority or authorities in relation to an advanced quality partnership scheme—
 - (a) include a traffic regulation authority if it has been varied so that it specifies traffic regulation facilities or traffic regulation measures, but
 - (b) do not include a traffic regulation authority if it has been varied so that it no longer specifies such facilities or measures.
- (4) But if (although the scheme does not specify facilities which are traffic regulation facilities in relation to a traffic regulation authority or measures which are traffic regulation measures in relation to a traffic regulation authority) it would do by reason of a proposed variation, those references (apart from those in section 113J) include that authority.
- (5) And if (although the scheme specifies facilities which are traffic regulation facilities in relation to a traffic regulation authority or measures which are traffic regulation measures in relation to a traffic regulation authority)—
 - (a) the traffic regulation order, or (where more than one) each of the traffic regulation orders, required to be made by that authority for the provision of those facilities or the taking of those measures has been revoked, and
 - (b) the scheme is proposed to be varied (but not so that it specifies other facilities which are traffic regulation facilities in relation to that authority or other measures which are traffic regulation measures in relation to that authority),

the relevant references (apart from those in section 113J) do not include that authority.

- (6) For the purposes of this section the relevant references are those in—
- (a) section 113C(1) to (7),
 - (b) section 113D, and
 - (c) sections 113G to 113L,
- and paragraph 27(2A) of Schedule 9 to the Road Traffic Regulation Act 1984.
- (7) In this section “traffic regulation authority” means—
- (a) a metropolitan district council, or
 - (b) the Secretary of State.
- (8) For the purposes of this section—
- (a) facilities are traffic regulation facilities, in relation to a traffic regulation authority and an advanced quality partnership scheme, if that authority was required to be a maker of the scheme because it originally specified those facilities or would have been required to be a maker of it had it done so;
 - (b) measures are traffic regulation measures, in relation to a traffic regulation authority and an advanced quality partnership scheme, if that authority was required to be a maker of the scheme because it originally specified those measures or would have been required to be a maker of it had it done so.

113N Regulations about schemes

- (1) The Secretary of State may by regulations make further provision with respect to—
- (a) the procedure to be followed when making, varying or revoking advanced quality partnership schemes,
 - (b) the content or operation of schemes which include—
 - (i) a requirement falling within section 113E(4)(b) or (5)(a), or
 - (ii) a requirement falling within section 113E(4)(a) or (5)(b) relating to an undertaking that would fall to be given under section 113C(4)(b),
 - (c) the local services or classes of local services which must be, or may be, excluded from schemes,
 - (d) the conditions which must be, or may be, attached to such exclusions,
 - (e) the form and manner in which undertakings are to be given to a traffic commissioner in connection with schemes,
 - (f) the making of traffic regulation orders in connection with schemes, and
 - (g) such other incidental matters in connection with advanced quality partnership schemes as the Secretary of State thinks fit.
- (2) The regulations may in particular make provision with respect to—
- (a) giving notice of proposed schemes or proposed variations or revocation of schemes,
 - (b) objections to such proposals,
 - (c) the holding of inquiries or hearings into objections,

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- (d) modifications of such proposals,
 - (e) the form of schemes or variations, and
 - (f) giving notice of schemes which have been made or of the variation or revocation of schemes.
- (3) As regards schemes which include or would include—
- (a) a requirement described in subsection (1)(b)(i), or
 - (b) a requirement described in subsection (1)(b)(ii),
- regulations under subsection (1)(a) or (b) may in particular make the provision referred to in subsection (4).
- (4) The provision mentioned in subsection (3) is provision—
- (a) for section 113E(7) or (8) not to apply in such circumstances as may be prescribed,
 - (b) in prescribed circumstances where such schemes, or any provisions of such schemes, are subject to postponement under section 113I, for any such requirement not to take effect unless prescribed conditions are satisfied,
 - (c) as to the meaning of “admissible objection” for the purposes of section 113E(7) and (8) and subsection (5)(b) of this section,
 - (d) as to the meaning of “relevant operator” for those purposes, and
 - (e) as to the determination of any question whether an objection is an admissible objection or an operator is a relevant operator.
- (5) As regards schemes which include a requirement described in subsection (1)(b)(i), regulations under subsection (1)(b) may also make provision—
- (a) requiring such schemes to include provision—
 - (i) as respects the setting of frequencies, timings or maximum fares to which the requirements relate,
 - (ii) for a minimum interval before any requirements as to frequencies, timings or maximum fares may next be reviewed,
 - (iii) for a maximum interval before any such requirements must next be reviewed,
 - (iv) as respects other circumstances in which any such requirements must or may be reviewed, and
 - (v) as respects revision of any such requirements after a review, and
 - (b) for any requirement as to frequencies, timings or maximum fares to be revised only if there are no admissible objections to the revision from relevant operators.
- (6) The revision of requirements as to frequencies, timings or maximum fares under any provision included in a scheme by virtue of regulations under subsection (5)(a) is not to be regarded as a variation of the scheme for the purposes of section 113L (variation or revocation of schemes).
- (7) Nothing in subsection (5) or (6) is to be taken to derogate from what may be done under or by virtue of section 113L.
- (8) The provision that may be made by virtue of subsection (4)(e) includes provision for and in connection with—

- (a) the appointment of a person (“an adjudicator”) to make such a determination as is mentioned in that paragraph;
- (b) the appointment of a person (“an assessor”) to assist an adjudicator in considering any question which appears to arise in relation to such a determination;
- (c) the payment—
 - (i) by the Secretary of State to an adjudicator, or
 - (ii) by the Secretary of State or an adjudicator to an assessor,of such remuneration as may be determined by or in accordance with the regulations.

1130 Guidance about schemes

- (1) The Secretary of State may issue guidance concerning the carrying out by local transport authorities whose areas are in England and metropolitan district councils of their functions under this Part in relation to advanced quality partnership schemes.
- (2) Those authorities and councils must have regard to any such guidance.”