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STATUTORY INSTRUMENTS

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**2023 No. 1369**

**RETAINED EU LAW REFORM  
PUBLIC PASSENGER TRANSPORT**

**The Public Service Obligations in Transport Regulations 2023**

*Made - - - - 11th December 2023*

*Coming into force 25th December 2023*

**THE PUBLIC SERVICE OBLIGATIONS  
IN TRANSPORT REGULATIONS 2023**

PART 1

Introductory provisions

1. Citation, commencement and extent
2. Interpretation
3. Scope
4. Objectives

PART 2

Content of public service contracts

5. Interpretation of Part 2
6. Public service obligations
7. Public service contracts and general rules
8. Subcontracting
9. Duration of public service contracts
10. Public service compensation for directly awarded contracts
11. Rail rolling stock

PART 3

Award and modification of public service contracts

12. Application and exclusions
13. Provision of passenger transport services by a competent local authority
14. Award of contracts under competitive procedure
15. Direct award of passenger services contracts under the de minimis exception

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

16. Emergency measures
17. General direct award provision for rail
18. Direct award of rail contracts in exceptional circumstances
19. Direct award of rail contracts due to structural and geographical characteristics
20. Direct award of rail contracts when the operator manages the entire or major part of the railway infrastructure
21. Modifying a public service contract

#### PART 4

##### Publication requirements

22. Pre-award publication
23. Post-award publication and right to request reasons for direct award

#### PART 5

##### Enforcement

24. Actions in respect of a failure to comply with these Regulations
25. Recovery orders
26. Pre-action information requests

#### PART 6

##### Miscellaneous

27. Certain pre-existing contracts
28. Consequential amendments, revocations, savings and supplementary provision  
Signature

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#### SCHEDULE 1 — Permitted modifications

1. Provided for in the public service contract
2. Emergency
3. Unforeseeable consequences
4. Materialisation of a known risk
5. In paragraph 4, a “known risk” means a risk that—...
6. In considering whether awarding a new public service contract would...
7. Additional services
8. Transfer on corporate restructuring

#### SCHEDULE 2 — Information to be published about a public service contract or general rule

#### SCHEDULE 3 — Consequential amendments and revocations

##### PART 1 — Consequential amendments

#### CHAPTER 1

##### Primary legislation

1. Amendment of the Railways Act 1993

2. Amendment of the Government of Wales Act 2006
3. Amendment of the Subsidy Control Act 2022

## CHAPTER 2

### Secondary legislation

4. Amendment of the Cleaner Road Transport Vehicles (Scotland) Regulations 2010
5. Amendment of the Cleaner Road Transport Vehicles Regulations 2011
6. Amendment of the Concession Contracts (Scotland) Regulations 2016
7. Amendment of the Railways (Access, Management and Licensing of Railways Undertakings) Regulations 2016

## CHAPTER 3

### Retained EU law

8. Amendment of Commission Implementing Regulation (EU) 2018/1795  
PART 2 — Revocations
9. Revocations

Explanatory Note