STATUTORY INSTRUMENTS

2018 No. 439

PUBLIC PASSENGER TRANSPORT, ENGLAND

The Public Service Vehicles (Registration of Local Services) (Amendment) Regulations 2018

Made - - - -	*26th March 2018*
Laid before Parliament	*3rd April 2018*
Coming into force - -	*24th April 2018*

The Secretary of State for Transport makes the following Regulations in exercise of the powers conferred by section 60(1) of the Public Passenger Vehicles Act 1981(**1**) and sections 6(3)(a) and (9)(k) and 6C of the Transport Act 1985(**2**).

Representative organisations have been consulted in accordance with section 61(2) of the Public Passenger Vehicles Act 1981(**3**).

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Public Service Vehicles (Registration of Local Services) (Amendment) Regulations 2018 and come into force on 24th April 2018.

(2) These Regulations extend to England and Wales.

(3) These Regulations apply in relation to England only.

Amendment of the Public Service Vehicles (Registration of Local Services) Regulations 1986

2.—(1) The Public Service Vehicles (Registration of Local Services) Regulations 1986(**4**) are amended as follows.

(2) In regulation 2(1) (interpretation), before the definition of "bank holiday" insert—

> ""appropriate English authority" means a local transport authority in England in whose area the service in question has a stopping place;".

(3) In regulation 3 (applications for registration), after paragraph (3) insert—

(**1**) 1981 c.14 ("the 1981 Act").
(**2**) 1985 c.67. In relation to England and Wales, section 6(9) was amended by section 65(2) and (3) of the Local Transport Act 2008 (c.26). Section 6C was inserted by section 19(1) of the Bus Services Act 2017 (c.21). By virtue of sections 134(1) and 135(1), sections 60 and 61 of the 1981 Act have effect as if Parts 1 and 2 of the Transport Act 1985 were contained in the 1981 Act. See section 137(1) for the meaning of "prescribed".
(**3**) Section 61(2) was amended by sections 135(1) and 139(3) of, and Schedule 8 to, the Transport Act 1985.
(**4**) S.I 1986/1671.

"(3A) Except in a case where paragraph (3D) applies, at least 28 days before the date on which an application for registration or for the variation or cancellation of a registration is made to a traffic commissioner, the applicant must provide a draft of the proposed application to each appropriate English authority.

(3B) The applicant may not submit an application for registration or for the variation or cancellation of a registration to a traffic commissioner before—

(a) the applicant has received a notice in writing from each appropriate English authority confirming that it has received and considered the draft provided under paragraph (3A); or

(b) the expiry of 28 days after the date the draft was provided under paragraph (3A),

whichever is earlier.

(3C) Paragraph (3A) applies only to an application for registration, or for the variation or cancellation of a registration, made on or after 24th April 2018.

(3D) This paragraph applies in a case where—

(a) the period of notice in relation to the registration; or

(b) the effective date of the variation or the cancellation,

is that which applies in relation to an application which is determined in accordance with the 2018 Regulations.".

(4) After regulation 3 insert—

"**Information to be provided in connection with a variation or cancellation of a registration**

3A.—(1) This regulation applies where the operator of a service has provided a draft of an application under regulation 3(3A) for—

(a) variation of the registration of the service; or

(b) cancellation of the registration of the service,

other than an excluded application.

(2) The following are excluded applications—

(a) an application to vary a service to provide additional stopping places for the service (without removing any such stopping places);

(b) an application to vary a service so as to increase the frequency of the service;

(c) an application to vary a service so as to extend the period in any day for which the service operates; or

(d) an application to vary or cancel a service coming within a case specified in regulation 7(2)(a) to (f) and (i)(**5**).

(3) Where this regulation applies, an appropriate English authority may require the information specified in paragraph (5) but only for the purpose of the exercise of any functions it has under—

(a) section 9A of the Transport Act 1968(**6**)(general functions of authorities and executives); or

(**5**) Regulation 7(2)(b) was amended by S.I. 2004/10.

(**6**) 1968 c.73. Section 9A was inserted by section 57 of the 1985 Act. It was amended by sections 161 and 274 of, and paragraph 3 of Schedule 11 and paragraph 1 of Schedule 31 to, the Transport Act 2000 (c.38), sections 10, 67, 77 and 131 of, and paragraph 3 of Schedule 4 and paragraph 1 of Schedule 7 to, the Local Transport Act 2008 (c.26) and by S.I. 2014/866 and 2016/653.

(b) section 63 of the 1985 Act(**7**)(functions of local councils with respect to passenger transport etc.).

(4) In any case where an appropriate English authority requires any of the information specified in paragraph (5) in connection with an application, it must notify the operator within 14 days of receiving the draft mentioned in paragraph (1) that it requires that information.

(5) That information is information as to—

(a) the total number of journeys undertaken by passengers on the service in question or on particular parts of that service specified in the notice;

(b) the number and types of passengers using the relevant service, the journeys made by those passengers, the types of fares paid by them and the types of tickets used by them, on the whole service or on particular parts of the relevant service specified in the notice; and

(c) the revenue received from the relevant service or particular parts of the relevant service specified in the notice including information about revenue attributable to specified types of fares or journeys undertaken and to specified times of the day or week.

(6) Information mentioned in paragraph (5) must relate to whichever is the shorter of the period—

(a) of 12 months ending with the date on which the information is requested; or

(b) beginning with the date on which the service started and ending with the date on which the information is requested.

(7) Where the operator is required to provide an appropriate English authority with the information mentioned in paragraph (5)—

(a) the information must be provided within 14 days of the receipt of the notification under paragraph (4); and

(b) the operator may provide the information in any form in which, having regard to the manner in which the information is kept, it is reasonable to expect the operator to provide it.

Disclosure of information provided under regulation 3A

3B.—(1) An appropriate English authority must not disclose information provided by an operator under regulation 3A except in accordance with this regulation.

(2) An appropriate English authority may, subject to paragraphs (3) to (5), disclose relevant information—

(a) to other operators in connection with inviting tenders in accordance with section 89(1) of the 1985 Act; or

(b) to other operators and providers of public transport in the area of the authority where the authority wish to enable discussions to take place about the provision of adequate public transport in that area.

(3) An operator may, when providing information under regulation 3A, request that relevant information is not to be disclosed to other operators or providers of public transport under paragraph (2) on the basis that it would damage its commercial interests and may submit evidence in connection with that request.

(**7**) Section 63 was amended by paragraph 11 of Schedule 11 and paragraph 1 of Schedule 31 to, the Transport Act 2000 (c.38), section 68 of, and paragraph 4 of Schedule 4 and paragraph 1 of Schedule 7 to, the Local Transport Act 2008 (c.26) and by S.I. 2009/3294.