STATUTORY INSTRUMENTS

2018 No. 404

PUBLIC PASSENGER TRANSPORT, ENGLAND

The Enhanced Partnership Plans and Schemes (Objections) Regulations 2018

Made - - - -	*22nd March 2018*
Coming into force - -	*6th April 2018*

The Secretary of State for Transport makes the following Regulations in exercise of the powers conferred by sections 138F(10) and (11), 138G(9) and (10), 138M(8)(a) to (d) and (9), 138O(11)(a) to (d) and (12) and 138P(1)(a) and (2) of the Transport Act 2000(**1**).

In accordance with section 160(2A) of that Act, a draft of this instrument has been laid before, and approved by a resolution of, each House of Parliament.

Citation and commencement

1. These Regulations may be cited as the Enhanced Partnership Plans and Schemes (Objections) Regulations 2018 and come into force on 6th April 2018.

Interpretation

2.—(1) In these Regulations—

"the 1985 Act" means the Transport Act 1985(**2**);

"authority" means a local transport authority whose area is in England(**3**);

"local service" has the meaning given in section 2 of the 1985 Act (local services);

"operator" means an operator who provides a local service (but see regulation 11(6));

"plan" means an enhanced partnership plan(**4**);

"public holiday" means Christmas Day, Good Friday or a day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971(**5**);

"registered distance" means the distance, in miles or kilometres, which a qualifying local service normally operates in any week which does not include a public holiday—

(**1**) 2000 c.38. Sections 138A to 138S are inserted by section 9 of the Bus Services Act 2017 (c.21).
(**2**) 1985 c.67.
(**3**) "Local transport authority" is defined in section 108(4) of the Transport Act 2000.
(**4**) "Enhanced partnership plan" is defined in sections 138A(3) and 162 of the Transport Act 2000.
(**5**) 1971 c.80.

(a) on the basis of the particulars of its registration under section 6 of the 1985 Act(**6**) (registration of local services); or

(b) where a timetable has not been provided with those particulars because the service interval is 10 minutes or less, on the basis that the service operates at intervals of every 10 minutes,

and for these purposes, "week" means a period of 7 days beginning on a Monday;

"relevant area", in relation to a plan or scheme, means the area to which the plan or scheme relates or is to relate;

"scheme" means an enhanced partnership scheme(**7**);

"working day" means any day other than a Saturday, a Sunday or a public holiday.

(2) References to sections in these Regulations are, unless otherwise stated, to sections of the Transport Act 2000.

Meaning of "qualifying local service"

3.—(1) A local service is a qualifying local service for the purposes of these Regulations if it —

(a) has one or more stopping places in the relevant area; and

(b) is not an excluded local service.

(2) In this regulation, an "excluded local service" means—

(a) a service or any part of a service provided under arrangements made under sections 89(**8**) to 91 of the 1985 Act in any case where the authority retains all the revenue from that service;

(b) a service which is registered as a local service under section 6 of the 1985 Act but which would otherwise be an excursion or tour within the meaning in section 137(1) of that Act;

(c) a service in respect of which a community bus permit has been granted under section 22 of the 1985 Act(**9**); or

(d) a service which is a local service for 10% or less of the overall distance covered by the service.

Objections to proposal to make a plan or scheme

4. If an operator of a qualifying local service to which notice has been given under section 138F(1)(c) (notice of plan and scheme prepared) makes an objection to the plan or scheme, the objection must be made in accordance with regulation 9.

Objections to the making of a plan or scheme with modifications

5. If an operator of a qualifying local service to which notice has been given under section 138G(2) (notice of making plan and scheme with modifications) makes an objection to the plan or scheme, the objection must be made in accordance with regulation 9.

(**6**) Section 6 is amended by paragraph 2(2) of Schedule 10 to the Education and Inspections Act 2006 (c.40), sections 48, 49 and 65 of the Local Transport Act 2008 (c.26) and sections 11, 12 and 20 of, and paragraph 2 of Schedule 1 to, the Bus Services Act 2017 and by S.I. 2010/1158 and 2013/1644.

(**7**) "Enhanced partnership scheme" is defined in sections 138A(5) and 162 of the Transport Act 2000.

(**8**) Sections 89 to 91 deal with an authority's obligation to invite tenders for subsidised services. Section 89 is amended by Schedule 1 to the Statute Law Repeals Act 1995 (c.44), section 10 of the Local Transport Act 2008, section 152 to, and Schedule 31 to, the Transport Act 2000 and section 60 of the Local Government in Scotland Act 2003 (asp 1). Section 90 is amended by section 70 of the Local Transport Act 2008, section 152 of the Transport Act 2000 and section 60 of the Local Government in Scotland Act 2003.

(**9**) Section 22 is amended by Schedule 7 to the Local Transport Act 2008 and by S.I. 2013/1644.